# LAW LIBRARY JOURNAL

VOLUME 49 NOVEMBER, 1956 No. 4



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*This issue contains the Index to Volume 49 (1956).*

*The attention of the readers is drawn to the advertisements in this issue.*

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# LAW LIBRARY JOURNAL

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## THE PRESIDENT'S PAGE

"Celraney, how do you spell RAT?" inquired the mountaineer hard at work on a letter. "Hit's r-a-t, paw," she answered. "Aw! I don't mean mousy RAT. I mean RAT NOW."

"Rat now" it is high time that you learned something of your Committee organization, the heart of the Association's activity, for this year. In setting up the Committees I sought to give effect to these four aims: (1) Embody the excellent suggestions of Vernon Smith's Committee on Committees, (2) assign members to the Committee they preferred, (3) put younger and less active members on Committees, and (4) give each Committee a new Chairman but retain the old Chairman on the Committee. Some confusion has resulted, but these efforts are aimed at bringing new vitality and effectiveness to our Committee work. It is my feverent hope that the net result will be a new surge of constructive work pouring from the Committees into the life of the Association.

The present panel of Committees, as approved by the Board, with the respective Chairmen, is:

Cataloging and Classification—ELIZABETH BENYON

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Federal Agency Activities (formerly "Civil Service Positions")—WILLIAM H. CROUCH

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Publications—FRANCES FARMER

Publicity—JEAN ASHMAN

Send Mrs. Carlsson the names of new-member prospects. Notify Iris

Wildman any corrections in the *Directory;* her Committee is attempting a continuous revision of it. The increasingly important Scholarship Committee will administer the new Miles O. Price Scholarship Fund and is anxious to receive the names of promising new-comers into our ranks to receive these awards; send your recommendations to Virginia Knox as Chairman—and make some beginner happy. Finally, write Elizabeth Finley without delay the names of any members you would like to see elected officers; her Committee will have to move fast after the vote on the constitutional changes, and it needs your suggestions *now.*

Everyone is enthusiastic over the action of the Executive Board in transferring our 1957 meeting to Colorado Springs. The Antlers Hotel, in the shadow of Pike's Peak, will be our hotel. Start making plans now for a memorable meeting in the Rockies—JUNE 24-27, 1957!

With this issue Mortimer Schwartz makes his last bow as Editor. For each of you I say to Mort, "Thank you, for your devotion to your task and for the job you have done."

DILLARD S. GARDNER

# "... Be Those That Multiply the Commonweale"

*by* HOWARD JAY GRAHAM, *Bibliographer*

Los Angeles County Law Library

[*Note: this manuscript was awarded the first prize by the Golden Jubilee Essay Contest Committee.—ED.*]

American law libraries entered the year 1956 with impressive resources and high traditions: 25 million volumes in more than 700 collections; with aggregate book stock growing at the rate of 600,000, or two and a half percent annually;[1] a common law heritage of eight centuries, and a Judeo-Roman heritage of thirty; an associated personnel of some 600, alerted by maturing professionalism; and always the demanding, rewarding job of helping preserve and extend the Rule of Law by better organizing and servicing the law of the rules and cases.

These last, it was soberly observed, ran to two million Anglo-American decisions.[2] The American alone were increasing at the rate of 25,000 (or 50,000 Reporter System-pages a year). Statutes in force in the United States numbered another half or three-quarters million pages; 52 legislatures ground an annual grist of 50,000 pages more;[3] and the Federal Register spawned another ten to twenty thousand. The ICC alone handed down 6,000 decisions, 1950-55.[4]

By mid-century, Harvard and Law Library of Congress both approached 800,000 volumes. They had grown nearly a thousand times in a hundred years,[5] and already were repositories of world law. Nine other leading university or bar collections ranged upwards from the 200,000 mark; at least 37 others approached 100,000;[6] and a library with less than one-quarter or one-half that figure rated as inadequate for basic research and teaching.

Above all, there were 125 accredited and accrediting law schools; nearly 7,000 judges;[7] a quarter million lawyers;[8] literally millions of litigants, lawbreakers, and last but never least, income tax problems and returns! Unquestionably, Leviathan had outgrown

1. Statistics from ROALFE, THE LIBRARIES OF THE LEGAL PROFESSION (1953) and revised to 1956, using LAW LIBRARIES IN THE UNITED STATES AND CANADA, 7th ed., 1954.

2. For these and other statistics showing the exponential growth of the law, see Jacobstern, *Scientific Aids for Legal Research*, 31 CHI-KENT L. REV. 236 (1953); Kelso, *Does the Law Need a Technological Revolution?* 18 ROCKY MT. LAW REV. 378 (1946). Cf. generally, the pioneer work on library growth, RIDER, THE SCHOLAR AND THE FUTURE OF THE RESEARCH LIBRARY (1944).

3. In 1947, an average legislative year, over 46,000 pages of statutory law were enacted, VANDERBILT, MEN AND MEASURES IN THE LAW (1949) 12. By mid-century there were few state statutory compilations, even in most compact form, of less than 10,000 pages.

4. ASSN. OF ICC PRACTITIONERS, CONSOLIDATED CURRENT INDEX (1955).

5. For interesting historical data on law library size and growth, see Graham, *John G. Marvin and the Founding* of American Legal Bibliography, 48 LAW LIB. J. (1955) 194 n. 2; 200, n. 33; 204.

6. See *supra* n. 1.

7. See LIEBMAN, DIRECTORY OF AMERICAN JUDGES (1955) Introduction.

8. SURVEY OF LEGAL PROFESSION, THIRD STATISTICAL REPORT ON THE LAWYERS OF THE UNITED STATES (1935) p. 1, listed 241,514 as of 1955.

his tub. A grinding, creaking juggernaut demanded roller bearings.

Happily, it began to get them in the late fifties. Looking back, it is plain that one of the turning points was an essay contest for an unprecedented $500 prize. This provided an opportunity, as well as needed incentive, for professional introspection. The dominant mood of those essays was serious, even dedicated. Viewing tasks ahead in the perspective of the half-millenium since invention of printing, members sensed that like the founders of our craft during the English Renaissance,[9] and like the Marvins and Wallaces of the formative American period,[10] they too were to be called on to reorganize their inheritance, making fullest possible use of existing resources and of promising new media. Fitzherbert's *Abridgment*, printed, indexed, and distributed by Rastell in six great folios, 1514-1518, had only 260 rubrics and 14,000 cases;[11] yet even so it probably constituted a bigger, more far-reaching undertaking in its day than had our early microprint edition of the Supreme Court briefs; or even the recompilation of the *Index to Legal Periodicals*. What struck one so forcibly in the 1950s was the insight that the flowering and progress of the Common Law had been made possible in good part by improvements during the 16th Century in its form and accessibility. The Rastells and Tottells, in short, had paved the way for the Bacons and Cokes. It was equally clear that something similar occurred in 19th century America. Together, Marvin's *Bibliography* and *Wallace's Reporters* threaded the mazes of both continental and Anglo-American libraries; together they organized the two outstanding American collections, evaluated the English reporters, pooled and preserved the learning of a generation of learned American lawyers, so that, in combination with the *Commentaries* of Kent, Story and others, and before there was either adequate reporting or centralized digesting, they enabled a rapidly expanding, loosely federated law to attain a needed measure of coherence and consistency.

What was the most impressive was the discovery that by dint of imaginative, zestful leadership the founders of our profession in the United States (and earlier in England) had proved by example that it was possible for organizers of the law to be more than an association of "college-educated warehousemen"—or typist- and circulation-clerks—rulebound, stereotyped, frustrating and frustrated amid the pressures of the times. Here was inkling that, by collective will and imagination, law librarians might assume a more active, creative role in the Law's growth and development. There could be no question but that the relation between growth, form, and accessibility still held. Indeed, it must always hold, for Law *is* orderly growth and imposition of order; hence, to a degree has to be self-conditioning. Ease of research, discovery and evaluation of authority, therefore, like vision and hearing in individuals, must make tremendous correlative gains in

9. See Graham, *The Rastells and the Printed English Lawbook of the Renaissance*, 47 LAW LIB. J. (1954) 5.

10. See article cited *supra* n. 5.

11. See WINFIELD, CHIEF SOURCES OF ENGLISH LEGAL HISTORY (1925) 228.

every generation to permit modern man and his technologies to hold their own, control-wise.

It was equally clear at mid-century that failure of these underlying assimilative-nutritional processes to keep pace with sheer cell growth had bred near-cancerous conditions in the Law. Despite immense gains and heroic efforts on our part, and by the library profession generally, facts, information, books, statutes, decisions—everything that the new "documentalists" described and itched to atomize and deal with as primary "informational bits,"[12] continued to outstrip organizational measures. As Vanevar Bush often remarked, the truth was simply that the conventional research library was "fast becoming an anachronism,"[13] poisoned by products of its own growth. Every discipline felt a resultant drag on efficiency—but Law most of all, for Law alone was committed to growth thru precedent and *stare decisis.* As time and space shrank until cross-continent travel became a matter of hours, then of minutes, even the multi-jurisdictional character of American law no longer relieved—indeed it, too, now often complicated, problems of "choice" and research of law. Materials to be dealt with, even in simple actions, continued a furious exponential increase. The overall crisis was of staggering, frightening proportions.[14]

One thing was certain: Technology had produced this crisis and threatening impasse; technology also must relieve and resolve it. Research libraries' salvation lay in a serum from the beast that had bit them. What printing and simple indexing had done in the 16th Century, the micro-facsimile-electronic revolution *promised* to do in the 20th: recreate that ease of coverage and synthesis essential both to professional mastery of materials and to continuing social growth.

But these new techniques plainly were revolutionary—inherently, incomparably so. Where the early printing press and steam engine had had social effectiveness ratios of the order of tens or hundreds, the new electronic-facsimile methods had potentials of the order of thousands and upward. Eminent scientists like Bush and Weaver[15] warned that any development with potentials so great inevitably would recast rather than modify basic arrangements. The professional prospect at mid-century therefore was not merely for continued quickening of technological change, with reflexive, catalytic effects upon both law and librarianship, but also for the actual introduction of these new techniques and devices into our libraries, and into the ways of dealing with the Law itself—*with all the headaches, problems, re- and maladjustments, that such gageteering could produce.*

Stated a bit differently, technology, law and librarianship plainly were headed toward a shotgun romance. Rastell and a few helpers about the Inns, had abridged, edited, compiled,

12. The early impact of technology on librarianship in general is perhaps best traced in AMERICAN DOCUMENTATION v. 1- (1950-) Cf. Bush, cited infra n. 13; and BIBLIOGRAPHY IN AN AGE OF SCIENCE (1951) and works there cited, for seminal thinking.

13. "Today's Research and Tomorrow's World," an address before the Stanford Research Institute, Los Angeles, Jan. 20, 1954. See also his *As We May Think,* ATLANTIC MONTHLY, July 1945.

14. See, *e. g.,* the sobering statements in VANDERBILT, *op. cit. supra* n. 3, ch. 1 and 2.

15. See *The Patent Office Problem,* 6 *Am. Doc.* (1955) 129.

recompiled and also printed, the *whole* of *both* the common and statute law of England—and this merely as a sideline! But West's enterprise at St. Paul, now was to Rastell's at "Paulys Gate" as Univac to an abacus. The trouble was lawyers, librarians, and West all still were stuck with the abacus: Four centuries had scarcely altered the alphabetic abridgment—except in volume! Rastell's *Table* (1518) to the first part of *Fitzherbert* still was the prototype—and a very lucid introduction to the Key Number system.

Unquestionably, then, our plight was real and poignant. You know in a general way how we have escaped. Looking back, one thing is clear: Technology *was* indispensable. Technology *was* salvation. But for many of us technology also was merely inscrutable. Yet mark how this made for the best of all possible worlds: If diffidence, honest dismay tempered our enthusiasm, we were gainers, rather than losers. For along with the lawyers, in our utter and mutual professional innocence, we shunned like the plague those early attractive electronic snipe hunts; rather let chemists,[16] engineers and the Patent Office[17] do the pioneering; then—again lawyer- and librarian-like picked—their brains and methods!

At the outset in the 50's we saw only what it was the part of wisdom to see: that these changes were coming, were inevitable, were revolutionary, and that they demanded a far better coordinated and intensive professional effort, *even to prepare for them*, than had been ours in the past. Cooperation, formerly a shibboleth, began to be something more real.

It is pleasant to recall the spirit of those years. Even chance played its part. Coincident with the prize contest, the Association determined to seek foundation support. The long-range program thus required and elicited evolved in good part from a concensus of our membership itself. Suggestions of the contestants were pooled and evaluated, first by the judges, then by the Planning and Executive committees. Finally, they were winnowed and fused into an overall program by the Executive Committee making full use of the retired leaders of the Association, including the so-called, "P-H-P-G Memorandum," 1956-57. This program (or Plan) modified and extended, constituted the directional compass of our Association for years.

Major objectives were plain enough. All hands agreed that these had to be:

1. Further strengthening of the *Law Library Journal*, such as had occurred during the post-war period, making it at once the voice of the profession, a means of continuing criticism and education, and a manual of practice, tools and methods.

2. Continued improvement and expansion of our legal indexing, which of course meant recumulation (as well as some recompilation) of the *Index to Legal Periodicals*,[18] and its broadening into an *Index of Legal Bibliography* which took note of good sub-

16. See the projects summarized in BIBLIOGRAPHY IN AN AGE OF SCIENCE, *supra* n. 12, and in volumes 1-6 AM. DOC. 1950-1955. Indexing and coding chemical elements and compounds, each of specific atomic or molecular structure, was of course a much simpler matter, in many ways, than indexing law cases and statutes. The difference was pointed by the fact that, to the chemist, K stood for potassium!

17. See *supra* n. 15 and reports there cited.

18. See the recumulated 2d ed., 15 v. (196?-).

ject bibliography regardless of whether in periodical form.

3. Closer coordination of the Association's program and activities with those of the American Bar Association, the new American Bar Center, and bar groups generally.

4. Similar objectives and program with reference to law publishers and law publishing on the one hand, and to major bibliographic and library enterprises of the nation and profession as a whole on the other.

5. New cooperative ventures in cataloging, regional resources and planning, responsibilities for acquisition and preservation of superseded historical materials.

6. Greater encouragement for, and recognition of, individual bibliographic projects;[19] greater participation in the national and local programs for the Continuing Education of the Bar.

The guiding promise was that American law library resources, like human and natural resources, were a part of what Renaissance man had called the "Commonweale"—[20] to be husbanded, developed and utilized, but never mined or extracted.

The fruitfulness of this program was proved by its implementation. Our *Journal* admirably records the highlights. Scanning the numbers of the late 50s and 60s, serves vividly to recall the ferment and action of those times.

Efforts centered on major divisions of the Plan. Even with foundation support, and with a distinguished staff director, tremendous drive was required to detail, launch, and execute the number one project—the recompiled *Index*—which in those days still had fewer than a thousand subscribers.[21] The Association's subject heading list[22] and the K Classification schedule[23]—both major projects in themselves, necessarily were interrelated, not only to this project, and with each other, but with cataloging and shelving practices of major libraries, and with the celebrated American Digest Classification system. Classification and cataloging, heretofore notorious as the last refuges of inertia and individualism, really came into their own as Association enterprises during this period. A steadily increasing number of members with graduate training in *both* law and librarianship, and serving in key libraries helped greatly to provide the insight and momentum for completion of these vital preliminary projects. As always, the help of the Library of Congress was vital; and so, too, was the support and encouragement of the law publishers.

(Indeed, parenthetically, it may be recalled here that about this time West and other leading publishers sensed that the AALL constituted potentially the most helpful single force for progressive improvement of legal indexing and classification practices; hence, liaison officers—armed with real authority and discretion as well as tact and technical insight—were assigned in each instance to work with the Association, its Director, and committees, on these crucial long-term projects. This really was only an extension of the publisher's long-

19. See *infra* n. 27, 40, 43, 44.

20. See Barcus and Clapp, *Collecting in the National Interest*, 3 LIBRARY TRENDS (1955) 337.

21. See LAW LIB. J. 357 (1955): 946 subscriptions.

22. Published 1957.

23. Revised preliminary drafts published 1957-58.

standing interest and help, yet in going far beyond the old informal, *ad hoc* liaison, it provided mutually constructive criticism as well as an integration of theory and practice that was indispensible when things were fluid and changing.

Law publishing, of course, underwent far greater changes in these years than did librarianship. Immense amounts of long-term planning and rethinking were required at high levels of technical competence in law, librarianship, production engineering and programing to effect them. Consultantships, extended by the publishers, and electronics industry, and by the foundations and American Bar Association, to the deans of our profession, to analyze and integrate the various functions, and to blueprint, so far as possible, the changes in practice and methods that were seen to be involved, were vital factors in early planning of the Minicards and electronic coding. Two of these consultantships in particular were noteworthy: The one extended to Miles Price, who fittingly enough, had begun his career at the Patent Library; the other, to Arthur Pulling, whose parallel decades of Omaresque musing on the legal products that issued forth, first from Minnesota, then from Cambridge and Philadelphia, at last saw strange and wonderful fruition!)

Once embarked on such vital large-scale, long-term projects, our old habits of flyspecking individual digest entries, and exasperation at the idiosyncrasies of indexers, and of the ADC, soon were submerged in the larger problems of achieving greater continuity, consistency, and uniformity throughout the various subject and jurisdictional fields, and between library catalogs, indexes and the ADC. These were matters of evolving standards and consensus. Here again, our *Journal* best records the stages and mechanics.

Initially and basically, there occurred during these years a progressive "jurisdictionalization" of legal bibliography—that is to say, preparation of manuals,[24] articles,[25] and lists treating in much greater detail and systematically, the materials, problems and peculiarities of the law of a given jurisdiction. By 1960, nearly every state had a guide of this sort—one that pooled professional learning and experience, pinpointed peculiarities, provided a basis for constructive criticism. Many distinguished librarians established reputations in this manner. Increasingly, the trend was toward the critical and evaluative, not merely descriptive, bibliography. Observed gaps and inadequacies, variations from standard practices, suggestions for new publications, or for improvement of existing ones,—all were standard features and rewards of such jurisdictional survey. More and more, the subject headings and indexing of the publications of a jurisdiction came to be guaged and correlated to standards, with deficiencies referred to the various bar, Association, and publisher committees continuously concerned with such matters.

Paralleling "jurisdictionalization"

24. MORELAND and SURRENCY, RESEARCH IN PENNSYLVANIA LAW (1953); POLDERVAART, MANUAL FOR EFFECTIVE NEW MEXICO LEGAL RESEARCH (1955) were among the pioneer works.

25. Pollack and Leach, *Ohio's Reported Decisions —An Integrated Survey*, 2 OHIO ST. L. J. 413 (1950).

were similar developments in major subject fields—labor and taxation for example. As law practice and publication specialized, so did reference work and bibliography. Every large library made increasing use of the subject interests of its staff. Bibliographies and special lists prepared by one institution to anticipate needs, or to accustom patrons to a new subject classification,[26] were made available to other libraries by exchange or photoreprint. As a matter of fact, discovery of the potentialities of multilith, and of cooperative preparation and exchange of such lists soon initiated further ventures in cooperation —namely, Association sponsored authority lists of courts[27] and corporate entries generally, cataloging of complementary special collections, etc. And beginning in 1957 all good current subject bibliographies were listed in the *Law Library Journal*, and also in the ILP (identified by form coding). Presently subject bibliography attained committee—and later, sectional—recognition. As already noted in the case of "jurisdictionalization," control and improvement in such matters as indexing and subject heading and subject coverage, flowed naturally from refinements in the scope and detail of bibliography itself. Systematic evaluation and specialized methods replaced inertia, rule of thumb. Slack taken up, helped provide a working margin for years.

26. Lists published monthly in the Association of the Bar of the City of New York, RECORD, and processed lists distributed to patrons by the Los Angeles County Law Library, 1955-, were effective early examples of this sort.

27. The initial list, giving correct statutory names, terminal dates, statutory authority etc., was prepared by two young librarians who acted on a suggestion in 48 LAW LIB. J. 156 (1955).

Cooperation, forehandedness, were the common elements in these measures, just as they were also of others. Soaring costs of acquisition and cataloging in the post-war years compelled libraries to scrutinize methods and dovetail programs. Instances and beneficial results included: (1) The National Union Catalog of Serials on punched cards; (2) the expansion of the Library of Congress Catalog: Books: Authors, into a published National Union Catalog which included titles currently supplied by other libraries. The latter project[28] was a triumph of planning, and did more than anything else to make cooperative cataloging a reality. As higher and higher percentages of printed cards became promptly available, libraries were able to concentrate on cataloging their primary, borderline and older materials in their respective jurisdictions, cards for which in turn presently became available. Similarly, Library of Congress's Union Catalog Division, freed of its incubus of simply filing current cards among millions of old ones, and of then supplying much information which libraries now were able to obtain for themselves, was at last able to organize and edit the immense pre-1956 Union file along the lines of the Metcalf-Osborn[29] proposal. Eventual publication of this edited Union Catalog in the 1960s gave American research libraries heretofore unparalleled bibliographic coverage. Cata-

28. See *Proposed Expansion of the Library of Congress Catalog—Books: Authors into a Current National Union Catalog, 1956.* A Symposium, 17 COLLEGE AND RESEARCH LIBRARIES 24-40 (1956).

29. *Ibid.*, 36-40, *Proposal for Publishing the National Union Catalog.*

loging, reference, and acquisitions work all were facilitated.

The Serials program—complementary, and equally successful—likewise began with control of *current* materials thru expansion of *New Serials Titles* in 1953 to include titles supplied by other libraries. Independent and autonomous law libraries were slow to participate in this project at its inception,[30] partly because so many were then engaged in fully cataloging and centralizing their own serial records. As the project got under way, however, and as the advantages and flexibility of LC's punched card system[31] in the preparation of special lists of law periodicals by country, date, etc. became apparent, participation increased markedly. Major regional law libraries then were asked and able to microfilm their serial records, send the film to LC for transcription to punched cards. By the 1960s, great headway had been made, and the printed Union List of Serials, 2d ed., 1943, was gradually converted to this same form. So from that period libraries had merely to report regularly on their changes and additions, and a continuously up-to-date national serial catalog was at last a growing reality![32] Our Association was one of those to arrange for a subject list of periodicals to be prepared by cardatype from the punched cards. This list then became the basis for various edited, selected and expanded lists, the last of which was reproduced photographically at intervals as the *Union List of Periodicals—Law* for members' use.

Wonderful lessons and consequences flowed from these developments. Projects originally labelled too utopian for comment, by careful planning and dovetailing became practical, largely self-supporting enterprises. And law libraries, it was clear, were first of all libraries, and gained most as they contributed to, and capitalized on major professional developments. This was demonstrated by the great impetus given to long-discussed programs for regional inter-library cooperation and development. Chicago law libraries had taken the lead in this direction with their cooperative survey, central catalog, and checklist-guides to holdings.[33] Complementarity rather than competitiveness in acquisition of specialized materials was the goal and touchstone in such enterprises. Yet really effective controls, and true regionalization of holdings, depended upon an expansion of published union catalogs and a system of keeping such catalogs up to date.[34] Therein lay the great significance of the two Union Catalog projects. The third quarter of the 20th Century witnessed rapid perfection of such controls. Once they were available it was a natural and easy step to allocation of responsibilities for dovetailing sets and special collections. Codes of agreement for primary responsibility

30. Cf. NEW SERIAL TITLES, 1954; 7 SERIAL SLANTS 36 (1956) Report of the Joint Committee on the Union List of Serials.

31. See OSBORN, SERIALS WORK (1955) 282.

32. *Id.;* cf. 44 LAW LIB. J. 265 (1951) and works there cited; 45 LAW LIB. J. 455 (1952); 46 LAW LIB. J. 323 (1953).

33. See SCHWERIN, GUIDE TO THE LEGAL COLLECTIONS OF CHICAGO (c. 1955).

34. This point was most persuasively and prophetically made by David and Hirsch, *Cooperative Planning from the Regional Viewpoint,* 3 LIBRARY TRENDS 356 (1955), and again by David, in his introduction to the symposium cited *supra* n. 28, at 24.

in collecting and preserving such materials as briefs,[35] superseded historical[36] items, etc., were other examples. Early ventures in regional and national cooperation like the Farmington Plan thus proved of enduring influence. Tele-facsimile reproduction and "interloan" paradoxically speeded rather than slowed such measures. Improvements in communication made for *more* rather than for less, dependency and cooperation, while sound administrative principles, and hazards of loss, together with our traditions of localism, all dictated that resources be regionalized and cooperatively developed.

Another significant development was the spread of strong chapter and state-wide programs, particularly in in-service training and technical and housekeeping matters, best illustrated and pioneered by the Ohio libraries[37] with their excellent newsletter, institutes and interchange of helpful information. This program presently was imitated in California, and other states with the state-county law library system. Bigger and stronger libraries thus shouldered their responsibilities for aiding smaller, weaker brethren, setting standards and improving service and personnel by means of brief interneships and similar aid.

It should be added in this connection that the years saw a steady extension of the County Law Library idea modelled on that system which had proved so successful in California and other states.[38] The filing fee clearly provided the most painless method of maintaining adequate support. Where counties were small and numerous, judicial district libraries were preferable. One of the contributions of our leadership in those years was in helping bar and legislative groups effect improvements along such lines. Working informally thru the national, state and local bar leadership, programs were initiated in state after state which raised the caliber of library service and provided added professional opportunity. Widespread interest in the California system,[39] sparked by an article in the *American Bar Association Journal,* generated much of the early activity.

Finally, there still was an opportunity for rugged individualism and self help. I well remember the shame and reproach felt on discovering, in 1955, that the leading law bookshop in a metropolis with 6,000 lawyers, had sold only one copy of *Price* in two years, and did not even stock the work! This meant that in some respects we had been doing our jobs too well; in others, failing altogether. For a desk copy of *Hicks* or *Price,* or any excellent research manual, saves a lawyer its cost many times over every year—and increasingly so, as the law grows in bulk and technicality.

One of our jobs, then, was to call attention to this, artfully and persistently, in book reviews, talks, seminars, and daily work. Once we began doing so, thousands of extra copies were

35. See *infra* at n. 44.

36. See *American Law Libraries' Responsibilities to the Historian,* Report of a Joint Committee of the AALL and American Historical Association.

37. See, *e.g.,* Ohio Assn. of Law Libraries, NEWSLETTER, Nov. 1955, an excellent number containing information on Ohio reports, book repair, notes on scarce and rare items, important current articles etc.

38. See ROALFE, *op. cit. supra* n. 1, ch. viii-ix.

39. *Better Law Libraries Without Taxes; a Model System Gains ABA Support,* A.B.A.J. (1957).

sold over the years, with benefits to all concerned. And once we began taking more seriously our role in programs for Continuing Education of the Bar, it was just as easy to get this idea across in the course of talks on "Significant Developments in Legal Research," "How to Get the Most Out of Your Time in the Law Library," etc. Preventive Bibliography, even better han Preventive Law or Preventive Medicine, offered its own rewards.

Along this same line were our ventures in compilation. The initiative and example of Professors Surrency[40] and Jenkins[41] touched off a round of similar projects, in general planned and executed by one or two members working singly, and mindful of Bacon's precept.[42] Such were (1) an elaboration and noting-up of the excellent lists in the Appendixes of Hicks' *Legal Research,* 2d ed. (2) *An Author-Subject Index of Essays Published in Law Festschriften.*[43] (3) *A Finding List and Guide to Preserved Runs of Briefs and Appeal Papers of American Courts.* The latter project saw its first printing in our *Journal*[44] —a tabular summary based on Historical Records Surveys, Court clerk questionnaires, and similar sources. Later, it was revised and extended in cooperation with the Association of American Archivists into an indispensable tool. The compilation served also to centralize, safeguard, and improve the organization of judicial archives, heretofore in a deplorable state in some jurisdictions.

Incidently, at about this same time, libraries housing huge briefs collections found they could afford to microfilm them for the costs of building and storage, selling positive prints in some cases to other research libraries (and even to the courts!) to defray partial costs. Harvard began such a program in the late 50s.

At last, we come to the transition period—to the sweeping changes wrought by the microfacsimile-electronic revolution. These are too fresh in mind to need review tonight. Glancing back, the pattern is clear. Miniaturization in facsimile was the starting point, and remains the primary element. Existent indexes, digest systems and report series therefore never were supplanted; but rather became the components and bases of the new systems. More detailed and precise case and subject classification and indexing, coded for highspeed electronic search, was the second element. The various microcard programs, 1945-60, accustomed us—and more gradually our patrons—to a screen and image as a substitute for the hinged page and physical volume. (And incidently, watching those primitive TV programs broke down a lot of resolution and prejudice!) Then came the Eastman-Kodak Minicard[45]

40. See *A Checklist of the Publications of the Sections of the American Bar Association,* 44 LAW LIB. J. (1951) 322; 46 id. 53 (1953); also *A Bibliography of the Tentative Drafts of the Restatements,* 44 LAW LIB. J. (1951) 11.

41. See GUIDE TO THE MICROFILM COLLECTION OF EARLY STATE RECORDS (Library of Congress, 1950 and suppl. 1952), a monument of professional altruism, conceived, and in great part executed, single-handed.

42. MAXIMS OF LAW, Preface: "I hold every man a debtor to his profession."

43. Pt. 1, 1930-55; Pt. 2, 1900-1930 (1958).

44. See Golden Jubilee vol. 50 (1957).

45. See the historic initial announcement, Tyler, Myers and Kuipers, *The Application of the Kodak Minicard to the Problems of Documentation,* 6 AM. DOC. 18 (1955); and our Association's alert reaction, AALL ANNUAL REPORTS, 1954-1955, Report R29, Report of the Special Committee to Study the

and similar developments by IBM and Remington-Rand with still greater microreductions, and with electronic memory and scanning devices that made possible rapid mechanized search while still permitting conventional handfiling and use in reading machines for small lots.[46] The importance of the Minicard thus lay in its versatile flexibility, and in the ease and economy of reproduction. With the individual case now the publishing unit, subject as well as jurisdictional handfiling and use in reading as never before. The extreme ease and economy of reprinting and recombination at the micro-level shortly eliminated the initial bugbear of filing so many individual cards. Conversion of the old American Digest Classification into a code for electronic searching presented comparatively few technical difficulties. The very compactness, cheapness, and ease of copying and recombining materials, together with the ability to organize them *either* electronically or by hand, permitted publishers and large libraries to keep sets in various arrangements for high speed manipulation; while continued publication and shelving of the National Reporter System in conventional book form (still the basic unit from which microphotoreductions are prepared) provided for conventional reference and reading once the most pertinent materials were located by machine search. From the first of course, only the publishers and very large libraries had the high speed equipment; and that number has tended to decrease, rather than increase. Legal research by machine is big business. West Publishing Company is today virtually a subsidiary or affiliate of A.T.&T. and Eastman-Kodak. Yet subscriber- and service-charge searches—reported automatically by teletype and similar means—have long performed much of the preliminary and routine work for even the smaller offices and individual lawyers.

The new thus has meshed with the old, and in some respects changes have been fewer than one might presume. It was the pioneering of the science libraries, and the immense nuclear and missiles programs, that launched these developments. The electronic revolution has been the enduring result. Electronic brains have not depreciated the human variety. Rather, they seem to act as needed compulsives pledged to an exasperated co-existence.

The past few years have witnessed the crowning achievement—gradual supplanting of our old ADC scheme. This has been the climax of a half-century of progress[47] in communications theory and semantics, in combination with a rigorous rethinking in all the sciences (which characteristically began in Physics, and ended in Law). Seventy years ago, I remember the so-called Hohfeldian analysis[48] rated as ultra-abstruse—the delight of our second-year law review men. Yet today these far more advanced

Application of Mechanical and Scientific Devices to Legal Literature, p. 39; cf. 48 LAW LIB. J. 331 (1955).

46. See AM. DOC. v. 1-6 (1950-56).

47. Cybernetics, and the pioneer work therein by Wiener, Weaver, von Neumann—mathematicians all; the amazing development of computers and similar programs; mechanical translation (see *Translation by Machine*, 194 SCIENTIFIC AMERICAN 29 (1956)) all burst upon us in the Golden Jubilee Years.

48. HOHFELD, FUNDAMENTAL LEGAL CONCEPTIONS (1923).

schemes, which make use of the notations of symbolic logic, in combination with refined legal analysis and a thesaurus-like conceptual framework[49] common to all languages and communication, to achieve precision in the breakdown, classification and indexing of ideas and cases, has become perfectly commonplace, as vital to modern thinking and expression as grammar, logic, or a second language, which in reality it is. It is enough, perhaps, to say here, that we who now and then blew a transistor working on—or with—that primitive K Classification back in the 50's, understand perfectly the reported tendency of modern robots to do the same. The recurrent thought is that the work in the 50s and 60s helped prepare the ground for these developments; and I assure you there was plenty of ground to prepare. There always is—still!

* * * *

It has been a delight to reminisce. History comes so much easier than prophecy. Yet in our case, mark how strangely these two have intermingled: you see, utterly without shame in preparing these remarks, I confess to having freely plagiarized those winning essays of that contest of long ago!

And now, as the senior member of that band which 50 years ago celebrated the Golden Jubilee, it is my further privilege to propose the toast to our prospects and achievements in our second century.

Just eight years short of a half-millenium ago, in the publisher's announcement[50] of the forthcoming (first) edition of Fitzherbert's *La Graunde Abridgement*, appeared this apostrophe to Law:

"The Commonweale must rather stand in . . . preferring of laws than either in riches, power or honor, . . . so they that busy themselves . . . in ordering or writing of laws, in learning of laws, or teaching of laws, or in just and true executing of laws, be those . . . that . . . multiply the commonweale."[51]

Mr. Toastmaster, fellow members, friends and welcome guests sharing our centennial this evening, may these words ring as clear and true another century—another half-millenium hence: "To Law, and Libraries; to 'Labor and Constancy.' "[52]

49. See the pioneer work of Perry et al., *Machine Literature Searching IX Operational Functions of Automatic Equipment*, 6 AM. DOC. 167 (1955) especially at 167, for some of the earliest inklings of these developments and their increasingly obvious bearing on law coding and classification. See also, the same title and authors, Pt. VII, *id.* 33; Pt, X, *id.* 242.

50. Made curiously enough, in the Preface to LIBER ASSISARUM (1514) Beale R48 and R49. See COWLEY, BIBLIOGRAPHY OF ABRIDGMENTS (1932) p. xliv.

51. LIBER ASSISARUM (1514) See Bolland, *The Book of Assizes*, 2 CAMBRIDGE LAW JL. 192 (1925) for background of quotations.

52. Fittingly, the motto of Christophe Plantin, 1514-1589, printer of the Corpus Juris Civilis, and the polyglot Bible, two of the monuments of the Renaissance.

# Proceedings of the Golden Jubilee Meeting of the American Association of Law Libraries

*HELD AT*

Philadelphia, Pennsylvania, June 25-28, 1956

## MONDAY MORNING SESSION

June 25, 1956

*The First General Session of the Golden Jubilee Meeting of the American Association of Law Libraries, held at the Bellevue-Stratford Hotel, Philadelphia, Pennsylvania, convened at ten-thirty o'clock, Mr. Carroll C. Moreland, President of the Association, presiding.*

PRESIDENT MORELAND: Will the meeting please come to order.

I would like to call to order the meeting of the American Association of Law Libraries here in Philadelphia. I am a little in doubt as to what to call it. Last year we had the forty-eighth annual convention in Chicago, and automatically that makes this the forty-ninth.

On the other hand, we also are celebrating our Golden Jubilee, which means fifty, and if we are like the Chinese and count the first meeting, in 1906, as our first, this ought to be our fifty-first. I think, in order to avoid confusion, we will refer to it as the "Golden Jubilee Meeting."

I first would like to welcome all of you to Philadelphia. I have served on the Board from time to time, and when the question of meeting was considered, the one place that nobody wanted to go to was Philadelphia, and the reason was that it was too hot. I don't like to say anything disparging about the second largest city in the country, but I have warm recollections of Chicago. (*Laughter*).

At this point in convention proceedings, the President is supposed to make a report. Actually, most presidents have little to report with respect to their own activities. There are some exceptions, but by and large, the work of any association is done by the Executive Board, by the other officers, and by the committees. A President can, however, point out some of the things that these other people have done, and make that, in a sense, his report.

This being our Golden Jubilee year, it seems the first thing I should point out is the Golden Jubilee issue of the *Law Library Journal*. That certainly is a tangible accomplishment of the year, and it is a very impressive looking document.

First of all, I think credit should be given to the Golden Jubilee Issue Committee, and without taking any-

thing away from the other members of the committee, I know from experience that the chairman of the committee is the person who does the work. In this instance, we give credit to the co-chairmen, Helen Newman and Margaret Coonan. They deserve a great deal of thanks for their work. There was another person who was brought into the picture, and who did the kind of job that you would expect him to do, and that was the Special Editor, Dillard Gardner. I think that we will find that that issue will be almost as indispensable to us as *Price and Bitner,* and I think in certain areas it will serve as a really useful tool of research in non-law fields.

If I were to select the work of another committee which contributed most to the year's activities, I think I would pick the Committee on Committees.

The presumption is that you have read their report. That presumption is not only a rebuttable one, but I think it is an extremely doubtful one. Nevertheless, if you will read the Committee on Committee's report, you will find it extremely worth-while. Now, while it is not going to be implemented immediately, I think you will see, by reading it, that they are on the right track.

We have had a number of committees. Some of them have been established by the Board, and some have been established by the Association. The functions of the committees have been lost in the records of the Association, and maybe they had no functions at all when they were formed. It is really quite a problem to determine what the functions of these committees are, and whether or not the activities of the Association are being properly taken care of by the proper people.

That was the job of the Committee on Committees, to make a study, and I think they have done a very fine piece of work. Actually, this is only a beginning, and they will have to continue to assign functions to various committees, and maybe eliminate some, or suggest omission of some. We can thank Vernon Smith and the committee for making a very great contribution to the Association, and its effectiveness.

We have all read the *Law Library Journal,* and I think that the *Law Library Journal* this year has been a very fine publication. I didn't know until yesterday that the *Law Library Journal* contains more pages of printed materials than any other journal published by any library association. It seems to me that if we are that good, if we can produce that much, then it is a very worth-while thing.

One of the reasons that it is good is the editor; we had this year a very fine editor in Mort Schwartz who took on the job without any warning, and jumped into it with good will. Unfortunately, the press of local commitments has forced him to resign as of the end of the present volume.

We had another impressment too, and that was in the position of Advertising Manager. Earl Borgeson took over under protest—and if you will look at the *Journal* with the advertising manager's eye, you will discover that he has done a magnificent job

with respect to the obtaining of advertising matter. Of course, the more advertising matter we get, the more money we take in, and hopefully the more pages we can publish.

The Placement Committee has long been under Miles Price, who has done a magnificent job. He resigned last year, you recall, and Marian Gallagher was good enough to accept the appointment as Chairman. This year we tried what seemed to be the consensus of the Association at last year's meeting, that is, working on a regional basis. In other words, a member of the committee in a given area would be responsible for positions and personnel in his region. I am not sure that that is entirely satisfactory. I am sure of only one thing—that nothing that you do with respect to placement will be satisfactory to everybody. However, under the present arrangement, nobody could do a better job than Marian Gallagher and her committee.

One of the disappointments of the year, due in some part to the inefficiency of your President, was the fact that we didn't get any money from the Ford Foundation. In the process of attempting to arrange for a meeting, I called the Secretary of the Ford Foundation, and in the course of the conversation he said, "Why don't you come up and talk about it informally?" I couldn't do anything but that, and I had to apologize to the chairman of the committee that that was what I had done.

We did talk informally, and the last word I got, after about two months of waiting, was that the Ford Foundation had not yet consolidated its thinking and had not made any determination in respect to our proposal. It is still in the formative position, and some time in the Fall we will get to that problem.

One of the things that we are interested in is our membership, and the other day I received notice from Vera Woeste, chairman of the Membership Committee, that they had obtained thirty new members. She did not know how many we had lost in the process, so I don't know what the actual loss or gain is. However, I might point out that the matter of membership is an extremely difficult one. You can't obtain new members if you simply write a letter. It requires personal visitation, and that means a great number of people must participate. That is one of the problems that I will gladly turn over to Dillard Gardner at the beginning of the next fifty-year span of the Association.

Last night most of you attended the dinner which was given in honor of Miles Price. While it was not an Association activity, I think that it represents, and the feeling behind it represents the feeling of the corporation, the Association body.

As I recall it, I did report to you about some of the actions of the Executive Board at the December meeting. The Board met yesterday and took a few steps which you should know, and which I think were important.

There have been in the past three years, two Institutes preceding the meetings of the Association—one in Los Angeles, and one in Chicago. I was never sure just how they worked, but I did know that the Association

did not sponsor them. It may have been that we should have. We may have been waiting to see whether they were successful before we got on the band wagon.

Whatever the reason, we did not do it. However, they were successful, and they were so successful that there has been considerable urging that the Association take the responsibility for such Institutes, and at yesterday's Board meeting, the Board voted to sponsor and accept financial responsibility for an Institute to be held in Colorado prior to the meeting next June in Denver. It does not seem right to have the members of the Association in Los Angeles or in Chicago accept responsibility for a training program for which the Association, I am sure, has received most of the credit. By accepting responsibility for the financial risk, I think we are taking a step forward and assuming the responsibility which a professional association ought to assume.

The *Law Library Journal* came in for some discussion. One thing about which complaints have been registered, is the omission of lists of state and federal publications from the *Journal,* except once a year. The Board, being in a compromising mood, and being under the eagle eye of Elizabeth Finley, could not bring itself to go whole hog, so they went part way, and authorized the inclusion of that list twice a year.

Since we do publish a bigger journal than any other library association, the Executive Board, thinking in terms of money, has asked the Committee on the Law Library Journal to investigate the feasibility of—that means the cost of—issuing the *Journal* six times a year. It is the hope of the Board that the feasibility will be found to be good, and that the *Journal* will come out six times a year. Just when that will start depends upon the amount of feasibility.

There are other committees who have done valiant work, but I think of these as the highlights of the Association's year.

That is the report of the President —except for this. Last night Miles Price talked about staff. Everybody who spoke, talked about staff, and I am sure that in an association the man or woman who happens to be president needs that which the head librarian needs, a competent, willing, industrious group of officers who correct his mistakes and do their job competently and enable him to do his a little better than he would have done himself. I would like to change that word "little" to "so much," and therefore I conclude by giving unstinted thanks to Elizabeth Finley, our Treasurer, and particularly to Frances Farmer, the Secretary. If, in the uprising of the young Turks, this Association is fortunate enough to obtain, in the next five years, the competence and willingness of the retiring Secretary and Treasurer, it will be indeed lucky.

I would now like to call upon Frances Farmer to give the report of the Secretary.

## REPORT OF THE SECRETARY

MISS FARMER: President Moreland, and Friends. I would like to tell you that the length of the Secretary's writ-

ten report which appears in the mimeographed set [and as printed below] is by no means in direct proportion to the amount of work carried on this year. It consists of only two short paragraphs, but I assure you we have been busy.

I would like to take this occasion, however, to thank the Board and the membership in general for the period of service I have been privileged to serve you. It has been a great pleasure, and I shall always cherish this period of service for a long time to come, and I shall enter again the ranks of the general membership of the Association to work enthusiastically, I hope, so long as I am in the library profession.

I would like also to say that the 1956 Directory, which I believe you have already received at this meeting, will be forthcoming to you and your libraries immediately after this meeting, from my office. They arrived only a few days before the convention and we were not able to get them out. (*Applause.*)

The affairs of this office for the most part have been of the routine variety but this has been a year of exceptionally heavy correspondence.

In concluding my term of four years in the office of Secretary I wish to express my appreciation to the members of the Board and to the membership generally for their cooperation and assistance.

PRESIDENT MORELAND: When Frances said that the two-page report she filed represented only a small portion of the work that she did, she was so right.

And now, next, I call upon Elizabeth Finley to give the Treasurer's report.

## REPORT OF THE TREASURER

MISS FINLEY: Mr. President, and Members. I don't assume, as our President does, that you have read the Treasurer's report. He said it was open to question. However, if you have not read it, it is reasonably dull, and I don't bame you at all.

The good news is that we still made a profit this year on our operations.

I think that you might be interested in the little detail I gave about our attempt at publication as an experimental job—not that I mean this particular publication was experimental, but that it could be used as a sort of project to see what it would run to in the way of expense to the Association when we want to publish something separate from the normal run of articles in the *Journal.*

I think there is nothing else I need say about my report. The President has very kindly said that the officers are allowed to correct him. I would like to say that I don't accept the responsibility for having said that we should not publish the check list in every issue, or any number of issues. I just pointed out, to the best of my ability, how far we can go in all directions at once.

I also sort of disagree that we were not responsible for the Institutes. We were not financially responsible, that is true, but I think we accepted responsibility for the instruction, and for the type of Institutes they were, and I think they are one of the most worthwhile projects that the Association can do.

As you know, this is my swan song, and I want to thank you all for cooperating with me. I have enjoyed being the Treasurer, although it has been a great deal of work, and rather exacting. It is a detailed job, and it is not a policy making job at all, but I have been grinding along on details because if you slip up on any of the details, the first thing you know, the records of the Association and membership are mixed up, so you don't know who is a member from where.

It has been a pleasure, and I feel that I have been greatly honored in being permitted to serve. I just hope that the sudden gust of breeze I felt up here is not a sigh of relief that you won't see me up here any more. (*Applause.*)

## *REPORT OF THE TREASURER*

*For fiscal year ending May 31, 1956*

### *GENERAL ACCOUNT*

| | | | |
|---|---|---|---|
| Cash Balance—June 1, 1955 | | | $14,027.20 |
| Add Receipts | | | |
| Dues—Institutional | $ 3,600.00 | | |
| Active | 1,811.70 | | |
| Associate | 1,032.00 | $ 6,443.70 | |
| Journal | | | |
| Advertising | 3,687.40 | | |
| Subscriptions | 1,187.62 | | |
| Back issues (in print) | 614.05 | | |
| (micro) | 30.00 | $ 5,519.07 | |
| Directories | | 32.00 | |
| Interest | | 175.00 | |
| Reprints | | 108.40 | |
| Convention* | | 3,888.63 | |
| Postage refund | | 1.49 | |
| Transportation refund | | 30.00 | |
| Dues refund | | 1.00 | |
| | | $16,199.29 | 16,199.29 |
| Total to be accounted for | | | $30,226.49 |
| *LESS DISBURSEMENTS* | | | |
| Journal (4 issues) | | | |
| Printing & Mailing | | $ 5,944.01 | |
| Editor's salary | | 350.00 | |
| Secy. Asst. to Editor | | 72.00 | |
| Assistant Editor's salary | | 160.00 | |
| Secy. Asst. to Asst. Editor | | 15.00 | |
| Advertising Editor's salary | | 200.00 | |
| Asst. to Adv. Editor | | 60.00 | |
| Tel. & Tel.; Postage for all Ed. staff | | 233.37 | |
| Supplies for all Ed. Staff | | 94.36 | |

| | | |
|---|---|---|
| Special promotion appro. | 100.00 | |
| Golden Jubilee Issue expenses | 28.58 | |
| Postal expenses extra copies 49#1 | 58.96 | |
| Repurchase, OP issues | 32.00 | |
| Mailing envelopes | 40.42 | |
| Postage—back issues & returns | 31.25 | |
| Postage—salary article | 6.72 | |
| Subscription refunds | 10.50 | 7,437.17 |
| Salaries | | |
| Secretary | 550.00 | |
| Asst. to Secy. | 239.81 | |
| Treasurer | 250.00 | |
| Asst. to Treas. | 300.00 | 1,339.81 |
| Transportation | | 409.23 |
| Supplies, Tel. & Tel. | | 445.05 |
| Postage, Express | | 483.86 |
| Convention* | | 2,605.77 |
| Chapter & dues refunds | | 318.00 |
| Committee expenses | | 48.67 |
| Reprints | | 115.76 |
| Scholarship awards | | 100.00 |
| Miscellaneous | | 10.70 |
| Total Disbursements | | $13,314.02 |
| Cash Balance May 31, 1956** | | $16,912.47 |

* The actual profit of the Chicago Convention was $1,232.69.
** $5,000.00 of this balance is on deposit with Interstate Building Association.

*Changes in Membership 1955-56*

| | New | Transfer To Inst. | Resigned | Dropped for non-payment | Total |
|---|---|---|---|---|---|
| Honorary | | | | | 1 |
| Life | | | | | 20 |
| Associate | 2 | | 1 | 1 | 54 |
| Institutional | 7 | | 1 | 2 | 164 |
| Active | 37 | 3 | 11 | 9 | 228 |
| Total *persons* who are members by reason of one of the above classes | | | | | 689 |

*Changes in Subscribers 1955–56*

| New | Cancelled | Cancelled became Member | Cancelled non-payment | Total |
|---|---|---|---|---|
| 15 | 5 | 4 | 9 | 178 |

The good news this year is that we are still in the black. Our balance as of May 31, 1956 is $2,885.27 more than it was on June 1, 1955, this in spite of both higher expenditure and receipts. A very large part of the profit is due to the successful convention in Chicago. This compares with a gain of $3,078.16 in the previous year, so it looks as if we are holding our own.

It appears to your Treasurer that we might loosen our belts a bit, and consider desirable projects—up to about $3,000.00 per year. This figure, unfortunately, is not sufficient to cover the cost of our big dream—a permanent secretariat and central office. But it might provide for other dreams, such as publications.

We undertook an interesting experiment in the publication field this year that is worthy of detailed attention. We are always wishing we could afford to publish more in the way of manuals, check lists and other special items for our profession. This year we experimented by publishing the twenty-year supplement to Macdonald's check list of session laws as a thirty-page supplement to the February 1956 issue of the Law Library Journal.

Basically this was a volunteer job. The compilation was by Lewis Morse and the Committee on Cooperation with State Libraries. The Editor took it in his stride, and also sent out double post cards asking if you wanted extra copies. The Treasurer, somewhat thrown off her stride, billed the orders and sent mailing labels to the printer. (The billing for extra copies of this issue equalled the annual billing to subscribers.) The figures of this effort should be of interest to you in considering future publication projects. Remember that this was published as a part of the Law Library Journal, and was not advertised except by the postals to our regular mailing list.

A total of 229 copies were ordered, in 179 orders. This means, if we collect for all, (which we have not) that we will receive a return of $343.50. The expenses were as follows:

| | |
|---|---|
| Printer's charge for type | $244.85 |
| Double post cards, addressed | 58.96 |
| Postage on copies mailed | 5.10 |
| Treasurer's postage | 6.00 |
| | $314.91 |

From these encouraging figures it looks as if we culd break even on a publication project that has wide appeal. Of course the publication and promotion costs would be higher if the item were not part of the Law Library Journal.

*Index Account*

*For fiscal year ending May 31, 1956*

| | | |
|---|---|---|
| Balance June 1, 1955 | | $14,731.72 |
| Receipts from H. W. Wilson Co. | | 10,707.62 |
| Total receipts | | $25,439.34 |
| *Less:* | | |
| Salaries of Indexers | $7,884.03 | |
| Travel expense | 28.66 | 7,912.69 |
| Balance June 1, 1956 | | $17,526.65 |

The Index ended the year $2,794.93 better than it started. In view of the

fact that we had feared the change to monthly issues (in February 1955) would reduce our income, this is especially cheerful. However, the $4,000 appropriated last July for the "pilot project" has not yet been spent. This project, you will recall, was to give us an idea of the probable cost of reindexing the entire Index under the new subject headings.

The addition of the new cumulation in May is not reflected in this year's figures. It will add about $600 to the expense of printing for the year 1956-57.

## INDEX TO LEGAL PERIODICALS

MR. DRUMMOND: This report will be very short. I won't cover what has been put in the written report. The committee met this morning and discussed two of the changes that took pace in the *Index* during the past year, which some of you have commented on.

We had two adverse comments to the omission of the use of bold face type for authors' names in the subject section of the Index, and three for the omission of the inclusive paging of articles.

I think it is very easy to say we should have the inclusive paging, and it sounds like the best thing in the world, and why omit it. The reason is that it saves a tremendous amount of money, and in many cases, the inclusive paging is not indicative of the article, or even of its length. Where you have advertising interspersed along with the article, the interspersing of the advertising makes it look like a long article, and it turns out to be something that could have gone on one page in a periodic article.

The committee is going to reconsider the two changes at the end of the next two-year period. It would cost us two thousand dollars to go back to the old way at present, with additional extra cost for the next two years, so that when we have finished the next period of cumulation, those two changes will again come up for consideration.

I do think the fact that we have only three comments from the entire subscription list indicates that not too many people were too unhappy. Usually you hear bad comments, but never any good ones. We had at least a dozen comments on the main accumulation this year. I was amazed at the number of people who wrote in and said how much it helped.

We have gained a great deal in the amount of indexing we have done. A decrease in type size permitted more indexing, and we are a little more lenient with the editors, and permitted them to go over previous allotments of pages.

We are going to start right away, as soon as Earl Borgeson gets back to Harvard, our pilot project, to count the number of entries that will be found in the index from the beginning to date. That is a tremendous undertaking, but before we can really go to a Foundation and say we need five hundred thousand dollars, or whatever the cost is, we must show that Foundation that we have estimated, as accurately as possible, what the editorial cost would be.

In view of our good financial structure—if you have examined the Treas-

urer's report, you will notice we netted approximately twenty-eight hundred dollars this year, that is after the payment of editorial salaries—the committee decided this morning, to ease up the limitation on the number of entries per article, and in certain cases, case comments. The editors have been easing up a little bit during the past year, but they now have the green light to do more multiple indexing. That has always given more entries per article, and you will continue to get more this next year. Thank you. (*Applause.*)

PRESIDENT MORELAND: It is clear I don't come from Duke University, or that I am not good at thought transference, because I was trying to tell Marian Gallagher that she was about to make a report.

## EDUCATION AND PLACEMENT REPORT

MRS. GALLAGHER: Mr. President, Ladies and Gentlemen. Perhaps I should tell you that this is not the report of the Education and Placement Committee, but it is an announcement concerning some of the things that bother the Education and Placement committee.

Our largest problem is that we have more openings listed with the Committee than we can find personnel to fill.

At the present time the members of the Committee who are here know about openings for Head Librarians, for Reference Librarians, and for Catalogue Librarians. The qualifications for these positions range from someone who knows something about law books, to someone who has a law degree, library training, and can teach legal bibliography. The salary ranges are from thirty-eight hundred dollars to seven thousand dollars.

Now, we know that you are not all in the market for a new position, but we think that all of you know someone who might fill one of these positions, and we should be very grateful if you will get in touch with some member of the Education and Placement Committee during this meeting and let that member tell you about those openings. Perhaps you can make suggestions.

We should also like all of the new members to take this opportunity to get acquainted with the regional member of what is now the Education and Placement Committee—what will be, next year, the Placement Committee.

The regional members who are here —I should like to have them stand so that if you do not know them, it will be easier for you to locate them later.

*Mrs. Gallagher then introduced Clayton Gibbs, Mrs. Beatrice McDermott, Julius Marke, Frank DiCanio, Miss Eda Zwinggi, Miss Virginia Engle, Miss Hibernia Turbeville, Mrs. Frances Henke, Miss Ethel Kommes and Dennis Dooley.*

## AMENDMENT OF BY-LAWS AND CONSTITUTION

PRESIDENT MORELAND: You have all been supplied with two sets of mimeographed material. At the Chicago meeting we had a rather unusual and difficult parliamentary proceeding. The main object of that meeting, it seemed to me, was a revision of the By-Laws to provide that there should

be two nominees for the office of President-Elect.

A committee was appointed, in view of that discussion, and that committee was instructed to report to the Executive Board by the first of January, to report to the Association by the first of February, and the Executive Board was to report its recommendations by the first of March. Those deadlines were met.

At this point I would like to call upon a member of the Constitution and By-Laws Committee to take over and discuss the probem as he sees it, and give an opportunity to other people to voice their views.

I might point out that at any meeting of this Association, you can amend, repeal, change, or add to the By-Laws by a two-thirds vote. The process of amending the Constitution is a much more cumbersome one, and one which, despite the efforts of Forrest Drummond and myself at one time, and numerous people since then, is still, I think, very unclear in the minds of most of the members of the Association. In order to amend the Constitution, one of two things must happen. Either the Board may recommend changes, or a petition signed by ten percent of the membership must be presented to the Secretary, and that must be done thirty days in advance of the meeting, and the Association members must have notice of these proposals, and these proposals are then discussed at the meeting of the Association. Any proposal before the meeting may be amended, provided the amendment is germane.

After the final wording of the proposed amendment is arrived at, a ballot is then taken by mail, after the membership is made aware of the discussion at this meeting, either in the Proceedings issue of the *Journal,* or by a resume submitted by the Executive Board. All that we can do today, actually, in the way of a change is to amend the By-Laws.

We can discuss proposals with respect to amending the Constitution. We can, within the parliamentary framework, amend those proposals, but we cannot vote on them as amendments and put them into the Constitution today.

Mr. Drummond, will you take the chair?

MR. DRUMMOND: As Carroll pointed out, at the last meeting there was a little discussion of the number of candidates for offices, and the terms of the candidates. We were not getting too far, so I suggested that a committee be appointed to discuss this, and I ended up on the committee.

You all received through the mail the committee's proposals. I would like to say one thing about them. We tried to incorporate what we thought the membership indicated it wanted at the meeting. Personally, I am in favor of the status quo, and I have stated that throughout my work on the committee. I think that we have perfectly adequate provisions in our Constitution right now with regard to the number of officers and their terms. However, since a more democratic provision seemed to be called for, we submitted the proposal that the committee sent out to you through the mail. Actually, what that proposal does, is to change the size of the Executive Board by adding an additional mem-

ber of the Board to be elected each year.

First, if you all have these materials, I will go right down the page. Article V, Section 3 refers to committees. You will recall there was a parliamentary question last year as to whether a committee could be created by the membership on the floor, because the Constitution says that the Executive Board shall create committees. Some of us argued that since the membership could elect the Executive Board and make the Constitution, that it too could create committees, but in order to avoid any question on that, we submitted a proposal:

"There shall be such committees as the Executive Board shall create . . ." —leaving out "from time to time"— ". . . or as shall be created by a majority vote of those present and voting at any meeting of the association."

I don't think that we have anyone opposing that proposal. I don't think we need any discussion on that, do you Carroll?—All right.—Carroll wants to discuss it.

PRESIDENT MORELAND: No, I don't want to discuss it, but I would like to point out this—that if there is a committee on committees, it might well be that a proposed new committee be considered by that committee first. I agree that the Association can create committees.

MR. DRUMMOND: That is right. This merely clarifies the position of the membership's ability to create new committees in the future. I would assume things will go on pretty much as they have. In other words, the executive board would create most of the committees, but from time to time the membership might rise up and want to create a new committee.

The amendments to Article 5, Section 5 deal with the term of office. The Piacenza petition, which was circulated at the meeting last year and got a sufficient number of signatures, limited the office-holding to three years for any office. Well, that would apply, of course, to the Secretary and the Treasurer, because the President is President-Elect one year, and President one year, and then is on the Board—I don't know if you would call him an officer then—the third year.

The proposal with respect to Article VI, Executive Board, Sec. 1, which our committee submitted, and which was not approved by the Executive Board, might look a little bit weird to some people. I was not actually in favor of even submitting it by petition after the Executive Board had turned it down, but since we had had several letters stating that they were in favor of that, we submitted it to you by petition, and we have over two hundred signatures of people who wanted it discussed at the meeting. At least they wanted it brought up here.

The one appearing at the bottom of the first page of these proposals to amend the Constitution—the effect of that is to increase the Executive Board representation by elected members to the Board, but it takes away membership on the Executive Board from the Secretary and from the Treasurer.

Now, we really thought we had our arms twisted in order to get some provision in that would insure the democratic representation that seemed to be called for last year. There seemed

to be a feeling that officers should not go on and on for ten or twelve years, and, hence, the Piacenza proposal limited it to three years, and the Executive Board limited it to five [Article V. Section 5].

We thought it was a shame to have someone learn the duties of the Secretary and Treasurer and really get going in the Association, only to be chopped off at the end of three years. We thought that was really a waste of man-power and training. So, in order to satisfy those who thought it was undemocratic to have the same two people for a long period on the Executive Board, we thought that we might just take them off the Board and have them be advisors to the Board, but not voting members of the Board. I think that maybe most people will be against it. As I say, I was not very much in favor of it myself. I am in favor of status quo. But that is what that provision would do.

The Piacenza petition to amend Article VI of the Constitution, Section 1, increases the number of members of the Executive Board to eleven, by providing that we elect two members to the Board each year, instead of one. There was some discussion that this would create great problems in getting votes by mail, etc. How much of a problem that would be, I don't know. I certainly would not argue strongly against increasing the Board to eleven, but as I said before, I think the status quo would satisfy me, personally.

Section 2 of Article VI of the Constitution—you have an Executive Board proposal which took over some of the committee's proposal that was circulated last January. At that time Carroll Moreland wrote me about the Committee's proposal, that he didn't think it covered everything, and we agreed with him, so we submitted another. The Executive Board did not approve of the second submission and adopted one of its own. We think that the Executive Board proposal does not cover everything, either. We drafted a new one, which was on that petition that was circulated to you, and now appears before you as a petition of two hundred members of the Association instead of a proposal by the Executive Board, and that has been labelled the Drummond Petition —I think simply because I was the one who sent it in. Actually, I think it is quite a comment on the members' interest in the Association to think that within two weeks we could get two hundred names signed to a petition to amend the Constitution. Again, I want to point out that the signers weren't in favor of that provision, but they were interested in having it discussed.

The third paragraph on Page two of these proposals, which is the second paragraph under the heading, "Article VI., Executive Board, Section 2," is our committee's and the membership's petition's latest draft. I believe that covers every vacancy that can happen. That is, it covers the method of filling it. The other proposal, the Executive Board proposal, I think, misses the case where the inability of the President-Elect to serve becomes known after March 1. Before March 1, under its proposal, it can be handled by the Nominating Committee, but after March 1, there is a nice

little gap. I believe that this proposal, which is entitled the Drummond Petition here, covers every possible filling of a vacancy of an office in this Association, and I heartily urge you to consider that.

Last year I think we were practicaly unanimous in our agreement it was a bad idea to have By-Laws amended by just anyone jumping up on the floor. It seemed to be the feeling of the membership we should have a day's notice. A person should say today he is going to amend the By-Laws tomorrow so it won't come up cold with a small membership here, and vote it in the way some of the union meetings do employ. We have suggested and the Executive Board's committee proposes to you that Article IX of the Constitution, By-Laws, be amended to provide that By-Law may be adopted, repealed, amended or suspended by two-thirds vote of those present and voting at any meeting of the association, "upon motion presented at a regular business session at least one day before such motion is voted upon." I think we won't find anyone who disagrees with that. It simply gives a fairer hearing, and is a very democratic provision.

Now, the question of what happens to the By-Laws if any of these constitutional amendments are voted into effect by you by mail must be discussed at this time. The Burton recommendation on Article V, Section 3 requires no By-Laws change. The same is true of the Piacenza petition on Article V, Section 5. In Article VI, Section 1, if the Piacenza petition is adopted by the membership by mail vote, Article III, Section One of the By-Laws must be amended. If the Drummond petition is adopted by a mail vote, that same section, Article III, Section 1, must be amended. The same amendment to the By-Laws could take care of both or either of these petitions—and I will propose an amendment to the By-Laws in the alternative.

I won't put this in form of a formal motion right now, but let's say that the next time this comes up, I will move that if either the Piacenza petition or the Drummond petition—using the indications that we have on these—is adopted by the Association in a vote, then By-Laws Article III, Section 1, the first paragraph, should read as follows:

"Not later than October 1 of each year, the President shall appoint a nominating committee of five members, no one of whom shall be a member of the Executive Board, to confirm the president-elect for the presidency and to nominate candidates for the elective positions of President-elect, Secretary, and Treasurer, and membership on the Executive Board. Two candidates for membership on the Executive Board shall be presented and two candidates may be presented for office of President-Elect."

It seemed that the "shall" on the President-Elect was what the membership wanted last year. In other words, you wanted two candidates to vote on every year. But if you have an amendment on that, you have to do it under the By-Laws, and I put the "may" in on Secretary and Treasurer, because I think at times—just as I think about the President—it is

extremely difficult to find two candidates for the petition. I am still in favor of the other, but if you want two candidates for President-Elect, you must amend the By-Laws to provide for it.

Anyway, that is the proposal that I will make tomorrow, a conditional amendment to the By-Laws if the Constitution were amended by mail next year. If you don't do it, you will have a situation, if the Constitution is amended, in which the By-Laws will not be in conformity to it.

MR. BITNER: But you can't vote on these amendments. The constitution won't become final for another year.

MR. DRUMMOND: It will become final when the membership votes by mail, which might be in December. Then you have a set of By-Laws which won't apply.

MR. BITNER: But the point is that this By-Law change, as I suggested, can come up for vote now, and it would become mandatory to nominate two candidates.

MR. DRUMMOND: That is right.

MR. BITNER: I know it may effect the change later, but there is a nomination coming up prior to this change in the Constitution.

MR. DRUMMOND: O. K. You know what can happen. Your proposal can be voted on. This conditional one can also be voted on, which means that this one would supersede the one that would be voted first. There is nothing wrong with that. What I am proposing is that the By-Laws be amended to conform to the Constitution only if that takes effect. So before this is voted on, your By-Laws should be voted on.

MR. BITNER: It is eligible for vote now?

PRESIDENT MORELAND: That is right. Why don't we just discuss the rest of these proposals.

MR. DRUMMOND: The Constitution, Article VI, Section 2, the Executive Board proposal, requires no By-Laws change, but as I indicated, it would not cover the situation if the inability of the President-Elect to serve becomes known after March 1. The Constitution, Article VI, Section 2, of the Drummond petition, I already have told you, I think covers everything. If the Drummond petition to amend the Constitution were passed, then I would move a By-Law amendment in the alternative, which would cover that.

The Executive Board has a proposal to amend the By-Laws, Article III, Section 1—actually you are taking it over and putting into the Constitution, and I was doing the same thing —if the Constitution were amended in the wording of the Drummond petition, then the Constitution should be amended in the same wording, and that is the one I have in the second one. That is to be done not today, but tomorrow.

One further amendment to the By-Laws that I think we cannot duck, and that is the question of a quorum. Any book on parliamentary procedure, or parliamentary law, provides that in the absence of a provision in the Constitution or By-Laws, a quorom is a majority of the entire membership. We never have a majority of the entire membership at a meeting, and therefore I think we should amend to provide for a quorum.

MR. HILL: Don't you think we also ought to provide some rules of order?

MR. DRUMMOND: Well, we can. I think in the absence of that, we would follow the ordinary things in the Roberts Rules.

MR. HILL: Follow the parliamentary rules, with nothing to follow?

MR. DRUMMOND: That is right. Just as in the case where we have no provision for a quorum, we would follow the ordinary things, which would be a majority of the membership. It may be someone wants to move a rule of order for the Association.

The amendment to the By-Law II that I will suggest is:

"Section 3: A quorum for a meeting shall be a majority of the voting members registered at that meeting."

MR. STERN: By-Law III, Section 2. You have an amendment on that.

MR. DRUMMOND: Excuse me. By-Law III, Section 2, our committee proposes that it be amended as follows:

"The candidates receiving the largest number of votes shall be declared elected and shall be so reported at a business session. . . ."

We propose to insert in there, "together with a tabulation of the results."

In other words, we think there should not be anything secret or not known about the results.

"The candidates receiving the largest number of votes shall be declared elected and shall be so reported, together with a tabulation of the results at a business session of the annual meeting by the Committee on Elections."

And then we add on this:

"And all candidates shall be notified of the results of the election by the Committee on Elections at the earliest practicable time."

There have been cases where candidates have come to this kind of meeting not knowing whether they were elected. I can remember in the old days it was a big secret, and was not announced until the annual banquet, and sometimes there would be crestfallen people, and sometimes there were others who were not prepared, and we thought it would be a good idea to announce the results before the meeting. In other words, they can be told before the meeting. They can be told they have been elected to the Executive Board. In some cases I have known, they didn't know, and in one case, the member said he would not accept the position on the Committee on Law Libraries until he knew whether he was elected to the Executive Board. It was a big secret.

MISS FINLEY: This isn't essential right now, but when you say, in this By-Law III, Section 2, "The candidates receiving the largest number of votes shall be declared elected," suppose the Constitution, By-Laws and what-not are changed to have three new members elected to the Board, with two candidates for each position. Now, does a membership vote get six candidates and vote for three, or do you have to pair them—two for each job?

MR. DRUMMOND: They would be paired, I would assume. Two candidates for each membership, is what it says.

MISS FINLEY: For each opening on the Board?

MR. DRUMMOND: That is right.

MISS FINLEY: You couldn't just nominate six members and let the members select any three of those?

MR. DRUMMOND: I am not so sure that that might not be the case.

PRESIDENT MORELAND: Now you have heard the report on the Constitution and By-Laws. We have to discuss these amendments to the Constitution some time, and since we can't pass upon them and adopt them, this might be a good time to do so, if you so desire.

I will read the proposed amendments to the Constitution, and I shall allow ample time for people to get up and discuss them. If there is no discussion, and no recommended changes in the language, these proposals will go to the membership by mail ballot after this meeting.

The first proposed amendment, therefore, is Article V, Officers and Committees, Section 3, Committees. It is proposed that this section be amended to read as follows:

"There shall be such committees as the Executive Board shall create, or as shall be created by a majority vote of those present and voting at any meeting of the Association."

MR. DRUMMOND: Although we can't vote, don't you think it might be a good idea to have a show of hands and then that can go into the summary of the discussion on it. You could say that a majority of the members here favored a certain proposal, or didn't favor it. That might help.

PRESIDENT MORELAND: All right.

MR. DRUMMOND: I move that we have a show of hands favoring Section 3, dealing with committees.

VOICE: Second.

PRESIDENT MORELAND: I take it we don't need any discussion on that. All in favor signify by saying "Aye." What you are now voting is to take a show of hands. This is not the show of hands. All those in favor, please signify by saying, "Aye."

*(The members so signified.)*

PRESIDENT MORELAND: The ayes have it.

Now, I suppose, without any motion, I can request you people to indicate your approval or disapproval of this. For the information of those who did not attend, it will be included in the summary. Therefore, I would ask those who are in favor of this proposal, on Article V, Section 3, to raise their hands. *(The members so signified.)*

PRESIDENT MORELAND: Are there any opposed?

MR. HILL: I thought there was going to be some discussion. Are they going to vote before there is a discussion?

PRESIDENT MORELAND: Do you want to discuss it?

MR. HILL: I had hoped there might be some discussion of these things before we do any voting, because by the time you discuss several of them, we might want to change our minds several times.

In many organizations, where you have various classes of membership, where you do keep some continuity, but keep changing your committee all the time, it is found to be a satisfactory solution to committee membership. Also, in most organizations that I know of, there are certain committees that should be special committees, for one reason or another, that should

not just adhere to the fast rules of three years. Now, on standing committees, that is something else. Standing committees very often can have very definite and set rules with respect to the term that people should serve on those committees, particularly—

MR. DRUMMOND: This does not change any of that. All it says, is that the membership can create a committee if it wants to. That is all. It does not say whether committees shall last any given time, or whether they are special or general.

MR. HILL: I am also talking in the light of some of the other suggestions that are coming in here a little later. So I would think we can defer our show of hands until we see what comes out of the discussion as you go further along. It might have effect on how you would vote on one of the first amendments. That is all I am trying to say.

MR. MCDERMOTT: May I suggest that as you read these various amendments, that the proponent of each amendment give a brief, clarifying statement as to why he has presented it.

PRESIDENT MORELAND: And by "brief," what do you mean, Mr. McDermott? Three minutes?

MR. MCDERMOTT: Three minutes would do.

PRESIDENT MORELAND: All right.

MR. MCDERMOTT: I think it would serve to clarify the issues here for the majority of the membership.

PRESIDENT MORELAND: Article V, Section 5, Terms of Office. There are two proposals to amend this action. The first one simply adds to the statement of the qualification, "but no one shall hold an office for more than three consecutive years." That is the petition of Mr. Piacenza, circulated last July.

MR. PIACENZA: Now, why was the petition of July 5, 1955, proposed? For several years I have heard many new members say that the Association is run by a clique. Now, we old-timers know that isn't true, but you could not prove it to those youngsters that came once, and then disappeared. They saw Elizabeth on this platform year after year, and saw others, and they wondered why they should have the same officers year after year. For that reason we were written many letters—that is, the Nominating Committee of 1955—to make some changes, to propose some changes, and we proposed that we limit the term of office of the officers to three consecutive years. There was another suggestion. That was, that it would give the Association, or create a training period, a training ground, for higher office, by rotating the officers more often.

We proposed three years. We had considered two years. We had considered five years. The Committee resolved on the three-year period. Today, someone said it takes longer than three years to get acquainted. Anybody who can't do his work and get it done in a year or less, and then have two additional years to devote full time to the Association, should not accept it the first time, and we should not elect him.

MR. MCDERMOTT: Pardon me for interrupting at this point. My suggestion was that the remarks be addressed to each proposal as it was presented. I don't want to seem to

be cutting in on you, but you seem to be discussing your entire project as a whole. I asked for discussion of Article V, Section 5.

PRESIDENT MORELAND: Since there is an alternative proposal in respect to this particular section, I will assume the responsibility of explaining the Board's proposal. The Board's proposal is identical, except for the language. It is not different from Mr. Piacenza's proposal, except that our proposal is that the term of office shall not exceed five consecutive years.

It seemed to the Board that, if the Association wished to put a time limitation upon the tenure of any person in the offices of Secretary and Treasurer, which these proposals were particularly and solely directed to, the limitation should not be three years, but five. We felt that a longer period, such as five years, would be more useful to the Association. It takes time for anybody to get in the groove of being Secretary or Treasurer.

Having trained a person, and there are not many willing to be trained, it seemed a waste of training to say they should only be Secretary or Treasurer for three years. As a matter of fact, I think we are lucky if we can find anybody to retain the job for more than one year. But our position was simply that it was better to have five years as a limitation than three years.

Now, since the proponents of both of these proposals have stated their position, they are now open for discussion by the members of the Association here present.

MR. PRICE: As a former president of the Association, I would like to make some remarks very briefly. Anybody who has had the temporary job of running the Association, knows that the real job is done by the people who have considerably more permanence. It does take some time to learn what goes on. These people know the difficulties and the precedents. Myself, I think that the status quo is pretty good, that we ought to be quite reluctant to establish a rule that says that somebody comes in and learns his job, and then gets out.

MR. DRUMMOND: I would like to raise one question. I agree with Miles on the status quo. But I do think that the proposal which has been labelled "Drummond Petition" to amend Article VI, Section 1, should be discussed, at least part of it, at the same time as this, because we attempted to get the democratic idea in there of limiting control in the Executive Board by taking away the vote on the Executive Board from the Secretary and Treasurer, instead of limiting the time they could serve. I am not in favor of it, although my name is on this petition, but I do think it would be a mistake not to discuss this at the same time as this other.

PRESIDENT MORELAND: I would disagree with you, Mr. Drummond, because the limitation in Article V is one which I think should be presented to the Association as a limitation strictly. Article VI, Section 1, the Executive Board, as your petition shows it, is more than a limitation. It is an exclusion of the Secretary and Treasurer from membership on the Board, and therefore they are not

identical, and I am dubious about them being analogous.

Does anyone wish to say anything more with respect to Article V, Section 5, either the Piacenza petition, or the Executive Board proposal?

MR. HILL: May I ask, or should I change my glasses, whether or not they do refer to committee members in these articles?

PRESIDENT MORELAND: They are both identical except as to the length of time. Louis Piacenza's says three; the Board's says five, with respect to officers. And no officer other than the Secretary and the Treasurer can serve more than three years, because the only officers there are other than that is the President-Elect, who serves three years, but not in the same office, and the President, who has already served one, and only serves one more. There are only two officers involved—the Secretary and the Treasurer.

MR. HILL: That is where we might have a little point of discussion, because a lot of committees hold office. I know of committees that are elected by Executive Committees.

MR. DRUMMOND: They are not officers, though.

VOICE: "Officers and committees" it says.

PRESIDENT MORELAND: All right. What does it say? "All officers and members of committees shall serve until their successors are elected or appointed, and qualified."

MR. HILL: Maybe if you get committees out of the By-Laws—

PRESIDENT MORELAND: This is in the Constitution.

MR. HILL: All right. In the Constitution. If you get committees out of the Constitution—

PRESIDENT MORELAND: I think you are wrong. As it now stands, that section simply provides that officers and members of committees shall serve until their successors are elected or appointed, and that is a perfectly clear statement of the fact that a person serves until his successor is elected or appointed. Is that correct?

MR. HILL: If you are referring to an elective office, you are correct.

PRESIDENT MORELAND: It also says members of committees, until their successors are elected, etc.

MR. STERN: First of all, who the officers are is specified in the Constitution, Article V, Section 1—Officers. "The officers shall consist of a President, a President-Elect, a Secretary, and a Treasurer." Those are the only officers. I believe, though, and I think Piacenza should clarify what he had in mind, whether he wanted to limit the membership in committees to three years.

PRESIDENT MORELAND: He is not saying that in his petition.

MR. STERN: I think we should understand that it is not so stated.

PRESIDENT MORELAND: A committee member is not an officer. And the proposal of the Executive Board says, "no one shall hold." The limitation is purely upon the officers, and there are only two, regardless of the language. They are the Secretary and the Treasurer. They are officers.

MR. STERN: I think that would seem to be quite clear, but I think everybody should understand that. I think, Mr. President, it would be fair to say that, just like the committee on which

Mr. Drummond was active, the Executive Board made certain proposals without recommending them. It is merely to bring the matter before the membership. I think you have to make up your minds whether you feel there should be any limitation at all or whether there should be limitation of three consecutive years applying to the President, President-Elect, Secretary and Treasurer, or whether there should be a five-year limitation applicable only to the Secretary and Treasurer.

I think, Mr. President, it is just as well to say, if there would be no such limitation, there still would be another limitation on anybody exercising too much authority by length of office, if the Treasurer and Secretary were not members of the Executive Board. They still could give us the benefit of their advice.

PRESIDENT MORELAND: I would like to point out one thing before we go any further, that since there are two proposals, they must go before the Association, and under the Constitution, it takes a two-thirds vote of those voting, to amend the Constitution, so that those who are in favor of status quo, by voting against either one of these, exercises a pretty strong view. Those who want a limitation on the length of service of the two officers, have two alternatives now. I wish to warn you of that dilemma in which you will find yourselves under these two proposals.

MR. ELLINGER: If I have to make up my own mind on how to vote to amend Article V, Section 5, and Article VI, Section 1, I could not make a decision on one without making a corresponding decision on the other. Now, if Article VI, Section 1, is out of order to be discussed now, will it be permitted later, and Section 5 of Article V can be discussed?

PRESIDENT MORELAND: Certainly. You can't vote any way on any of them, only to show approval of one or the other.

MR. PIACENZA: It seems I must clarify the so-called Piacenza petition. Why did we include committees there and limit them to three years.

MR. DRUMMOND: You didn't.

MR. PIACENZA: Why did we limit committees to three years.

PRESIDENT MORELAND: Unless I am mistaken, "office" does not include membership on committees.

MR. PIACENZA: You are making a ruling now.

PRESIDENT MORELAND: I am making an interpretation of the word "office."

MR. DRUMMOND: The Constitution explains "office."

MR. PIACENZA: I am certain everybody is confused because of the wording of your proposal, and my proposal.

PRESIDENT MORELAND: It seems to me you are making an issue, because the Executive Board says that the only limitation shall be upon the office of Secretary or Treasurer.

MR. PIACENZA: To clarify my motion, we want to limit the term of office, not only of the officers, but of the committee members.

PRESIDENT MORELAND: If that is what you want, you have not said it.

MR. PIACENZA: If that is true, that is what we wanted.

PRESIDENT MORELAND: Certainly my understanding of it in reading it, is

that you were limiting the terms of office of the officers, because of the word officers in the ordinary sense.

MR. BITNER: You have a report on committees, and I think there was a discussion in there about limitation of committee terms. Isn't that right?

PRESIDENT MORELAND: No. It is continuity.

MR. BITNER: But there is some discussion about a possible five-year term.

PRESIDENT MORELAND: I don't recall it.

MR. BITNER: He didn't? I thought he suggested something on limitation of committee membership.

PRESIDENT MORELAND: We will continue this lively discussion on Thursday. I would like, however, to reiterate my statement that if there are two-thirds of the people here who want a limitation on the services of the Secretary and Treasurer, one of those proposals ought to be amended here to coincide with the other, so we have only one alternative, and not two to vote on.

*The first general session of the meeting of the American Association of Law Libraries adjourned at 12:15 o'clock, P.M.*

## THE OPENING LUNCHEON SESSION

*The Monday luncheon was held in the Oak Room of the Bellevue-Stratford Hotel. President Carroll C. Moreland introduced the Hosts: Dean Harold G. Reuschlein, Villanova University Law School; Dean M. Donald Kepner, Rutgers University Law School (South Jersey Division); Dean Benjamin F. Boyer, Temple University Law School; Dean Jefferson B. Fordham, University of Pennsylvania Law School.*

*The following persons were named as winners of the Matthew Bender Scholarships:*

*Frederic D. Donnelly, Jr., Loyola University, Chicago*
*Reginald J. Furness, Boston University*
*Dan F. Henk, University of Washington*
*William B. Scott, University of Nebraska*

*Miss Elizabeth Moys, University of London, Institute of Advanced Legal Studies, was named winner of the Oceana Publications Scholarship.*

*President Moreland then introduced the Chancellor of the Philadelphia Bar Association, Thomas D. McBride, Esq., who delivered the address that follows.*

## THE PHILADELPHIA BAR ASSOCIATION AND ITS LIBRARY

THOMAS D. MCBRIDE: It seems to me entirely fitting that I should have, as the representative of our association, the privilege of greeting you at the convention held in your Golden Jubilee year. Our library is among your charter members, and our librarians have been active in your affairs. Twice you have honored them with the office of president; Luther E. Hewitt in 1917 and James C. Baxter in 1939.

Perhaps some of you do not know that the Philadelphia Bar Association, incidentally the oldest in America, was chartered in March of 1802. It was

called the "Law Library company of the City of Philadelphia." The primary purpose was the acquisition of books for the library, and the charter directed that the "library shall permanently remain in some convenient place in the city of Philadelphia" and that "the library shall at all times during the sitting of the courts be open to the members of the company, and books shall be furnished to them and to the judges for their use in the court."

Since 1802 the library has occupied five locations. Originally it was contained in the old State House in Philadelphia. In 1819 it was given new quarters in old Congress Hall where it remained until 1872, when it was moved to 6th and Walnut Streets, remaining there for four years when it went nearby to the Athenaeum Building on 6th Street below Walnut. In 1898 it was moved to the City Hall in Philadelphia where it now is.

In these 154 years, there have been only eight librarians. The first one, according to the records, received an annual pay of $30 per year. That situation was remedied a few years later, because the second librarian received $50 a year. We do a little bit better nowadays. Mrs. Phillips now has charge of our library and she is the eighth librarian in that period of time and the first of her sex to have been so appointed.

The library, as was to be expected, has grown tremendously. The first catalogue, prepared by William Rawle, who later became the first chancellor of the association, listed 391 volumes. A second compilation, prepared in 1811, produced 531 volumes. A catalogue in 1828 showed 1,069, but by 1872 it had grown to 18,000. Twenty-two years later this had increased to 27,000. Since then its growth has been phenomenal. At the present time there are approximately 119,000 bound volumes in our Law Library.

Mere numbers, however, do not tell the full story. We have our share of old books. Folio volumes of early English reports and text books on various subjects date as far back as 1554. The "First General Assembly of Rhode Island," 1636, the charters of the province of Pennsylvania and the City of Philadelphia, printed by a man named B. Franklin, Philadelphia, 1741, are a few of our early treasures. In 1878 Judge Baldwin presented to the library a gift of extreme importance, a complete set of printed transcripts of records of the Supreme Court of the United States from 1832-1878, which we have kept up since that time, and we have, in addition, the briefs of argument of all cases in that court since 1861.

In addition, we have the paper books of most of the cases argued in the Supreme Court of Pennsylvania and all of those argued in the Supreme Court of Pennsylvania since its creation in 1895. In 1935, under the will of Judge Gest of the Orphans' Court of Philadelphia County, an unexcelled collection of approximately 1,500 volumes, largely of Roman and Canon Law, was presented to us. The oldest of these volumes, many of which are vellum bound, dates back to 1509.

Of course, all the sectional reports, state reports of all states, and Federal

court digests are kept current, together with the digest of every State. One of the digests which has been found most useful by the real students is your own great achievement, the *Index to Legal Periodicals*. The scholar who is not content with the ready answer finds this index indispensable.

The great things that our law library has been doing for us in the last 154 years, you have been doing for the lawyers of the United States since that day at Narragansett Pier in 1906 when you were formed. It seems to me now, as it has ever since I was a student at law school, that the great influence of the law library upon lawyers has been in the direction of its encouragement of scholarship. The day when lawyers won cases by bombast has passed, and the scholar is coming into his own. This is not merely true of the lawyer who practices exclusively in his office, but it is more true than in generally supposed of the lawyer who tries cases in court. It is true now as it has been that the great causes are won in the courtroom, but preparation and study and the intelligent use of the law library are conditions precedent to success.

Lawyers more than other men need the knowledge that comes from books. The judge who feels himself competent to decide a legal cause by the exercise of what he is pleased to call his "common sense" is rapidly becoming a thing of the past. It is frequently observed that to have Solomon judgments we must have Solomon. Modern courts, while recognizing that the law is dynamic, do not lightly cast away the accumulated wisdom of generations of legal thinkers who, with infinite travail, have made of the common law the great instrument it is for the attainment of justice.

The very air of a law library makes us all tread a little more silently. On its shelves are the books which contain the varied stories of human lives and contests which to the lawyer represent the highest drama upon which he can feast his glowing eyes.

So far, I have spoken of scholarship as a practical and immediate aid to the lawyer, but I believe that there is a greater contribution than many of us suspect. Lawyers are measured to a marked degree by their integrity. Since much has been given them, much is expected of them, and when one of them falls, he is judged more harshly because of this. There have been many explanations of what it is that makes the great lawyers be direct, sincere, and honorable. The influence of religion, of home, training and example undoubtedly all play their part, but to me the greatest single assurance that a lawyer will be a man of integrity is that he be a scholar. It is knowledge which frees the minds of men, and it is scholarship which must be listed as among the prime supports of a man of understanding. Show me a list of the corrupt judges, of the fallen lawyers, and you will not find a scholar among them.

And so it is, I think, that in helping us to know and to understand the law, the law books make us companions with those who have been the noblest and best thinkers of all time. Yours is a happy profession. I sometimes envy those who can spend so much time with such great companions. It is our earnest hope that your convention

here will be all that you hoped for it and that your work will go on and be even more fruitful in the future.

## MONDAY AFTERNOON SESSION

June 25, 1956

*The Second General Session was called to order at two thirty-five o'clock by President Moreland.*

PRESIDENT MORELAND: Will the meeting please come to order? This afternoon's session is a panel discussion on "Implications of Automation for Lawyers." I am not too clear in my own mind as to what automation is. However, I am sure that Vincent Fiordalisi has arranged a program that will straighten me out, and you, too.

## IMPLICATIONS OF AUTOMATION FOR LAWYERS —A PANEL

CHAIRMAN FIORDALISI: I would like to start by saying I don't know what automation means, either. I do know that several years back I became concerned with the libraries in which there were machines and the libraries in which there weren't machines, and the fact that the machines seemed to be able to do some things faster than people. As a natural consequence of that, I spoke with Marian Gallagher and she appointed a Special Committee on the Application of Scientific and Mechanical Devices to Legal Literature. That is quite an unwieldy title, so we shortened it to automation.

Now, I don't know what automation means; Carroll doesn't know what automation means; possibly our guests know what automation means. If so, they will probably enlighten me, too. At any rate, our committee last year filed a report and in the report we touched on certain areas—areas that we believed were, shall we say, so well established that, for libraries in general, it was a question of you either take it or leave it—that is, you could use these machines or you don't use them.

This year, rather than file another report which would have said, "Some progress has been made," we have decided that the second half of our program will be a demonstration session of those machines that have moved out of the blueprint stage and into actual operation. This doesn't mean that all of the applications have been resolved or that there are any applications for these machines. What it means is that the machines are available and if there are people who will figure out the ways to use the machines, the machines may possibly be put to use.

This brings me to the introduction of our two speakers. Dr. Perry, who is Director of the Center for Documentation and Communication Research, School of Library Science, Western Reserve University, has as background at least a Ph.D. in Chemistry, which I think qualifies him professionally in chemistry. In addition to that, he has written I think at least two treatises in the area of chemistry, and this afternoon sent off the unpublished manuscript for another one on surface activation. Is that right, Dr. Perry? This proves that I don't know any chemistry. The point is that his background is chemistry in that sense, but by no means limited to that.

I first ran across Dr. Perry's name

in connection with his "Punch Cards." That is a book which is now going into its second edition, in which Dr. Perry describes the uses of punch cards and their various applications. He has recently published another book which is called "Machine Literature Searching," and this is another area in which I would say he has established himself as probably the foremost expert in the country on the subject. Dr. Perry has consented to talk with us on "The Theoretical Implications of Automation to Lawyers." Dr. Perry!

*(Applause)*

DR. J. W. PERRY: Mr. Chairman, Ladies and Gentlemen: In contemplating the question, What is automation? I am reminded of a similar question that confronts a patent attorney, namely, What is invention? It has frequently been stated by the courts that a hard and fast definition of "invention" is impossible of achievement. It may well be that a hard and fast definition of "automation" is also impossible, and yet perhaps it would be well for the purpose of this discussion to have in mind an approximate idea of what we are talking about, so I will submit for your consideration as a basis for discussion this definition: That automation is the performance of complex routine operations by the application of automatic equipment.

If I were to limit myself, however, to the performance of complex routine operations, I might then be talking, so far as information searching and information correlation is concerned, about possibilities that are still a bit over the horizon, so I shall talk about the performance as well of less complex operations in order to remain within the realm of what can be achieved with present-day equipment and with methods that are in widespread use at present.

There are, generally speaking, different levels of routine operations, as you are well aware. If we say that the more complex of these involves automation, this should not imply that the less complex routines may not be equally rewarding as a realm for application of various automatic or semiautomatic devices. At lunch today I was discussing with Mr. Fiordalisi the matter of applying various forms of equipment to library routines. From the point of view of various steps involved, these routines may be, indeed, quite simple, at least by comparison with the sort of thing that is done with electronic computers. From the point of view, however, of the practical matter of getting the job done on a day-to-day basis in a library, these supposedly simple routines may be very, very important and applying automatic equipment to them may, indeed, be a very rewarding thing. We are thinking of rewarding in terms of time saved. We are thinking of rewarding, also, from the point of view of budgetary considerations—the matter of checking books in and out of the library. The pioneering work of Montclair Public Library comes to mind there. I understand that the Free Library in Philadelphia has achieved some very satisfactory results in that same general area, also.

This may sound strange coming from a faculty member of a library school but as your Chairman pointed

out to you, I am not primarily a librarian. These routines for conducting the day-to-day business of libraries are, so to speak, on the borderline, on the fringes of the subject that I wanted to present to you this afternoon. I am really and truly most concerned—and will be most concerned this afternoon—with automation in the sense that I attempted to define it for you: the application of automatic machines to perform complex routine operations.

It is, I think, illuminating to consider how it happens that a person who starts out to be a chemist ends up talking on this subject to a group of law librarians. I could spend a considerable amount of time going into the details with you on the subject. I can assure you that this would be an interesting experience. I have been through this experience myself on more than one occasion with my friend Vincent Biunno, and with other eminent people in the law field, including Professor McGuire of Harvard and the late John Kennedy of Chicago.

Permit me to summarize the results of these very interesting conversations by putting it this way: There is a parallel, a surprising parallel, between the problem that confronts the chemist when he wants to look up the results of a previous experiment in order to plan a course of research and the problem that faces the lawyer when he goes into the law library and is confronted with the task of finding those precedents which may be of pertinent interest to the legal problem that confronts him at the moment.

If the chemist does not do a reasonably thorough library job, then the penalty which he may well pay is an excessive amount of experimental work which didn't need to be performed at all. As my old boss at Allied Chemical and Dye used to tell us young fellows some twenty years ago, "You fellows may think that the most effective way of wasting money is playing the horses or indulging in the drink habit. As far as the chemist is concerned, there is no finer way of wasting money than by performing useless experimental work. Research is not a matter of performing experiments; research is a matter of finding answers to questions." Of course, some of us younger folk really needed this lecture on what constitutes research in chemistry. I am sure none of you need a lecture on the importance of a lawyer knowing his law and knowing his precedents before he undertakes to prepare a case, so I won't attempt to deliver any such lecture. I will go on and try to illustrate to you in what respect these similarities exist between a chemist looking up his record of previous experimentation and a lawyer looking up his statutes and his precedents.

In chemistry we rarely are interested in a body of information which can be neatly proscribed or defined under a single subject heading. If you look at our information requirements and analyze them, you will find that we are talking about some combination of subjects. We may well be interested in kerosene and hydrocarbons. We may also, however, be interested in the extent to which kerosene hydrocarbons contain straight chain compounds. We may be further interested

at the same time not just in knowing about kerosene hydrocarbons containing straight chain structures but also in their behavior when they react to chlorine.

This is an example taken from actual practice where finding out such information was very important from the point of view of developing surface activations mentioned earlier by Mr. Fiordalisi. Surface activation may be more familiar to some of you ladies, perhaps, as detergents or the stuff that is sold under the name of Tide, Fab, Joy, and all the other monosyllable words that you can think of. So, looking up such questions and getting the answers to them at one time, at any rate, was a very important matter in the development of a whole new realm of the chemical industry.

A lawyer, when he starts in to look up statutes and precedents, is probably interested in various combinations or circumstances. The point that I want to make is a very simple one in this connection, and yet it sometimes is not an easy one to make clearly. I might put it this way, that the newer devices, these things such as punch cards for the more complicated devices which might fairly fall within the realm of automation, will provide possibilities for searching in terms of combinations of ideas. If this ability to search in terms of combinations of ideas were not offered by such devices, then I, as a chemist, would be uninterested and I think Vincent Biunno as a lawyer would be equally uninterested.

I have talked in terms of searching, that is to say, identifying those documents which are of pertinent interest to a given problem or a given situation. I would like to distinguish very carefully in your minds between this matter of establishing an identification of a given document and what is best called computing. By computing, I mean the manipulation of factual information so as to arrive at a different conclusion than had been previously recorded.

Let me illustrate the difference between these two by directing your attention for a moment to the Internal Revenue Code. In discussing this with the late John Kennedy, he pointed out that it would be conceivable to establish an analysis of the Internal Revenue Code of such a type that when he is confronted with a given tax problem, by operating some sort of device, some sort of equipment, his attention would be directed to those sections of the Internal Revenue Code which are of pertinent interest. This is what I mean by searching. This is what I mean by the identifying operation.

If that were all that was accomplished for him by some machine or by automation procedure, he would then, of course, have to proceed to take provisions of the Code and apply them to the client's case and perhaps compute the tax obligation, if any were present, or to make the observation that no tax obligation is involved in this situation.

On the other hand, you see, it is again conceivable that something over and above this identification step might be performed. It is conceivable that the Internal Revenue Code—various pertinent regulations in our case—might have been interpreted in

such a way that our device, our equipment, goes a step farther—it not only identifies sections that are of pertinent interest but then applies the provisions of these sections to the situation in point and computes the tax obligation. This second computing step is much the same sort of thing that I used to do on March 14th and now postpone to April 14th. So, I want to be sure that I clearly distinguish for you these two areas of identifying and computing.

And now with regard to this identifying area, there are some observations that I would like to make and these pertain to what we might call the present state of the art. This matter of conducting identifications based on combinations of characteristics is not a task for which the IBM punch card machines have been designed. If you consider IBM punch card machines in so far as they pertain to identifying jobs, you observe that these machines are designed so they will operate most effectively with those characteristics that can be arranged in mutually exclusive sets. An example of the mutually exclusive set is provided, say, by a person's birthday. There is no reason or logic why any one of us should have been born on a given day. Having been born on that day, however, the possibility of having been born on any other day is immediately excluded. There is no reason why this wristwatch with which my wife presented me last Christmas should have cost a certain amount of money. However, once the price is set, then that is the price that they are asking for it.

There are many instances of mutually exclusive sets of characteristics: the number of articles sold in a given business transaction; the salesman who may have received the order is one of many salesmen and the list of salesmen can be regarded as mutually exclusive. So, these machines have been designed in terms of mutually exclusive sets and they have not been designed to work in terms of the general form of index. Consequently, what can be accomplished in the way of searching and correlating information with the old-line IBM equipment is very limited, indeed.

On the other hand, there are the large-scale computers which have been designed, as the name implies, to perform those complex routine operations which are involved in mathematical computations. These machines are very useful. They are very valuable in their own right. They have also contributed greatly to the advance of the electronic art. It so happens, however, that the kinds of routine operations that are most advantageous for identifying purposes are not the same routine operations that are the most convenient for identifying purposes. The upshot of it is that the computers can perform identifying operations only in a clumsy fashion, only in a fashion which is a little bit like using a cannon to shoot a housefly.

There remains, then, between the IBM equipment of the punch card type on the one hand and the large-scale electronic computers on the other hand, a sort of gap in machine capability. For several years, as some of you know, I attempted to persuade various machine manufacturers to construct some equipment to work in this re-

gion. The machines were actually constructed. Unfortunately, it was determined that there was not enough market among libraries to justify their mass production, so to break through this situation we are now constructing our own equipment. The cost will be well under $50,000. How much under, I would hesitate to say, but well under that, and this will be set up so that we can perform complex routines along these lines.

Those of you who are familiar with the terms logical products, logical sum, logical difference, will perhaps immediately know what I am talking about. Logical products simply means that I insist that all of several characteristics shall be present. Logical sum means I am satisfied if any one of several characteristics is present. Logical difference means that I insist one be present and several others be absent: complex routine operations of the sort that might verbally be expressed by "A must be in combination with B"; or "C must be in combination with D and E must also be absent."

The identifying equipment that we are building will be able to perform such combinations at several levels which would correspond, at the lower level, to recognizing combinations of words in a phrase; at the higher level recognizing combinations of phrases in a sentence; and at a still higher level, sentences within a paragraph and, if you wish, combinations of paragraphs within a message.

We have worked out, as Mr. Fiordalisi mentioned, some tentative methods for applying such equipment. They are touched on in our recently published work, "Machine Literature Searching." We outline in this book our best estimate at the moment of methods for coding abstracts and indicate some of the searching possibilities that can be achieved by applying such equipment. If I may be permitted a commercial plug, this book was published by Interscience Publishers of New York.

Having gotten over my commercial, perhaps that is a good point to stop —that is where many of the TV shows stop, I have observed, and I don't want to cut into Mr. Biunno's time. If I may conclude with just this remark, at the start I said, let us agree together that automation is the performance of complex routine operations by various machines. I would like to direct your attention, in concluding, to the word "routine" and I would like to emphasize to you that these machines do not think. They only perform routine operations. They are only useful in so far as you can establish useful routines for these machines to perform.

In applied mathematics, as most of you know, this has already led to the development, you might as well say, of a whole new realm of mathematics. One of the important areas within that realm is now called programming, which is another word meaning the interpretation of mathematical problems so that the machines can solve them. We have a similar problem and that is what this book on "Machine Literature Searching" attempts to explore in a very limited fashion. Thank you very much. *(Applause)*

CHAIRMAN FIORDALISI: Thank you, Mr. Perry.

Mr. Vincent Biunno, who is a director of the New Jersey Law Institute, is probably the one law man that I could point to and say he is probably the man most interested in the various aspects of automation for lawyers. Whether we call it complex routine operations or whether we use language which is slightly different, sub-professional or professional, repetitive operations and the extent to which we vie with machines for the time that the repetitive operations take up, the time that is utilized in the repetitive operations, it becomes the same essential problem.

Mr. Biunno is a member of a rather busy law firm in Newark but that hasn't prevented him from being very much interested in this area and has not prevented him from being active in work with New Jersey legislative committees, with committees of the Supreme Court, and on committees of the American Bar Association in (let me use a broader term) the application of these machines to whatever area of law material or law interest or law problems they might be useful in. Mr. Biunno! *(Applause)*

MR. VINCENT BIUNNO: I am very glad that Dr. Perry emphasized the importance of realizing that mechanical devices are properly used for routine operations because it is in that field that these machines have a very important implication for the practicing lawyer, and, as I see it, the law librarian as well. The type of routine operation that we think of is the usual problem of legal research. As you know, every legal problem starts with a collection of miscellaneous facts, some of them having some significance and others not. For the sake of clarity we like to call those eventful facts. They are details about some transaction or some occurrence. Having gathered that material together, the attorney then proceeds on the basis of his general understanding of law to sift out from that mass of material those details that seem to him to have some relevance to the legal consequences of the events.

Now, of course, he can't remember everything that he studied in law school and when he finished law school he hadn't read everything that had been written, and he certainly hadn't had time to read everything published since he got out of law school, so that the only use he can make of his memory, really, is to try to recall where he might find the legal authorities which, combined with these significant facts that he has selected, will tell him what he can expect the relationship between the parties involved will turn out to be in the legal sense. When he is looking for the legal authorities, he is gathering what we like to call legal facts, and it is the combination of those two types of facts, the eventful facts and the legal facts, that produces a legal consequence. They are a combination, of course, and the interrelationship, as Dr. Perry pointed out, is a computing operation and we are not concerned with that at the moment in speaking of automation.

The task of looking up the law with respect to a given state of facts has become a rather formidable operation. As you know, the precedents never cease to have significance. The Bill of Rights is still important; the

Magna Charta is still important, still cited where relevant. Consequently, you can't really say that anything in the collection of legal materials ever becomes entirely obsolete. Although there are degrees of obsolescence, there is nothing to prevent a matter from arising which would make a very old precedent quite an important matter.

Historically, the gathering and collection of that material has been taken care of by the law book publisher and by the law libraries. The decision of how to index, where to locate given material, is something that has grown up gradually as the bulk increased, and the result is that today the various systems in use aren't really capable of handling the quantity accumulated; much less are they capable of handling the material added each year.

As various fields have become active, the habit has been to construct a special system of record-keeping and indexing for those fields. In the federal tax area, for example, a special set of reports was started up and that set of tax reports is not integrated with other reports or with other indexes, with the result that when the lawyer gets his eventful facts put together he may have to conduct a half dozen completely independent searches and in half a dozen different places, and if he wants to be thorough that means quite a bit of time. Ordinarily, unless the case is an unusual one, the amount involved in the problem doesn't justify that kind of expense. Consequently, the habit has been to conduct research—I am speaknow of research in the lawyer's office—to the point where something relevant is found and then stop. There is nothing approaching a complete search made.

That is one side of the picture. His opponent will similarly conduct a search and he will be looking for some group of authorities that will point to the opposite result, and he, too, will make a partial search until he hits something that is remotely related and construct an argument on the basis of that.

You now have two different arguments based on different sets of facts and these two different sets of argument are presented to a court which, being impartial, does not want to take sides on an argument of that type so it goes out and does its own independent research and comes up with still a third set of facts. Finally when the opinion comes down, neither side understands it.

The ideal would be a system of research in which, given the factual data, properly skilled technicians would gather together the authorities which bear on the subject, making no statement as to what outcome that suggests or as to what effect any one of those authorities has on the facts, and then have the same authority perform the same function on the subject matter of the argument on one side, the other side, and then the final decision by the court. That would have the very desirable effect at least that all three conversants would be talking about the same thing.

From an economic standpoint, there is only one way in which that can be done. It is necessary to consider the legal profession, made up of individual lawyers, law firms and what

have you, as forming, for legal research purposes, a single law office having a pool of researchers. That pool, physically, would need to be located at well-equipped libraries, and our feeling is that the growth of the law center idea will probably provide the means for realizing that kind of operating system.

That would work somewhat in this way: You have to expect, first of all, that the central-pool researcher, who would be somewhere between a law librarian and a practicing lawyer, would probably have to be admitted to practice. He would be a lawyer's lawyer. He wouldn't see clients. He would take problems given to him by the practicing lawyer and find the legal materials, whether they be statutory or court decisions, regulations or anything else, and furnish that list so that the lawyer can devote his time to what he is trained for, namely, appraising the materials, analyzing them and applying them to the facts. He would not have, as he does now, to spend much more time in finding materials than he does in analysis.

There hasn't been any accurate analysis of it but spot checks indicate that the searching process, merely finding the materials, runs something like ten to fifteen times as long as the actual computation process. That ratio is off in the wrong direction. It should be quicker to find what we want so that we can spend more time on the analysis than we do on the search.

Where do machines come into such an operating arrangement? Well, the machines make it possible to conduct rather complete searches very rapidly. Those of you who are with state law libraries undoubtedly have had the experience of having the request from a legislative committee or a member of the supreme court to pull together certain historical materials. You certainly realize how much time and effort are required to pull together that kind of data, and you also know that the next time a similar question comes up, unless the same person happens to be asked that question, the search will probably be repeated in full, whereas if someone knew that it had been done before and where the results were, that wasted effort would be avoided.

The machine has such a tremendous capacity and such tremendous speed, potentially, that records could be kept of prior searches so that a repeat on a question would mean simply locating the prior search result and carrying it down to date. That isn't any different from what a title company does when it gets an application for a policy on blank area which was searched five years ago. They do not go back the full sixty years the second time around. They pick up where they left off, and the legal profession could gain tremendously in useful time if it had a similar system available.

I doubt that the implications of automation, at least as we can see them now, include any idea of a push-button device in a lawyer's office. The economics of the machines, alone, would tend to rule that out but there is no reason at all why there cannot be, let's say, a center in the State of New Jersey or any other state to do certain types of work that now do not

get done at all. I am thinking of enormous tasks like revisions of statutes, of the kind of problem that is involved when a proposal is made to adopt a uniform law. The first step there ought to be a very thorough inventory-taking of the state of the law without the uniform law so that intelligent comparisons can be made as to what the uniform law will do to the law of a given state if it is adopted.

Those of you who work with efforts like that know very well that the preparation is far from being as complete as it ought to be. We have, for instance, today in New Jersey under consideration the adoption of Uniform Rules of Evidence. That is a fragment in the whole subject of law, and yet the research task of finding out what changes would be affected by the adoption of a uniform law is frightening—frightening when contemplated. For instance, there is one rule that deals with what effect is to be given to presumptions. If you want to know what change that will make you first have to be able to collect a catalog of all the statutory presumptions and of all the presumptions stated in common law decisions.

Is there any index that will tell you that? You know there isn't, yet a machine can do it rather easily. If the material has been properly entered, you can have lists of your statutory entries (I hate to say this because it sounds so good and we can't do it yet) in something like half a second. The reason you can't do it yet is that the machines are far ahead of the applications. A great deal of very heavy spade work has to be done in the way of making decisions in terminology, identifying captions, making sure that the terms to be used for the guidance of the machine are explicit, that they are not ambiguous, that they do not leave gaps in your terminology, and so on.

For example, the word "issue" which is a frequently used one in the law has at least two meanings. It can either mean lineal descendants or mean the point of dispute in a lawsuit. When you are using a machine you must say which one you mean and, consequently, any mechanical system must take account of all those problems in terminology. That seems to be a handicap but actually it is a boon because once you have that won you are well on the way to the goal in legal research that I think the profession needs to strive toward in the next five or ten years.

The law librarian will play a very important part in efforts of that type because I think that since you will not have these machines in the lawyer's office, since you will probably have them in the law centers, the law librarian is the logical person to expand the field of his interests beyond that of an archivist and to undertake the task of legal research for the profession, for the courts, for the legislature and for the executive. Thank you. (*Applause*)

CHAIRMAN FIORDALISI: There is a Biblical statement to the effect that old men have dreams and young men have visions. I don't know whether at mid-century this Association fits into the old man category or the young man category. I do know that most of its members are young men and we have here this afternoon, I think, something in the way of a treatise on

the work of the Association, at least in part, or the visions for the members of the Association for the next fifty years.

Our committee started working in certain areas. We thought they were rather new. Maybe they were new three or four years ago but the fact remains that in this very short period of time that has elapsed these other areas, which are the subject matter of our demonstration sessions, have fallen into the area of use. They are practical applications. There are any number of competitors in the area, so that a demonstration of these, I would say, could pretty much close out the function of the committee in these particular areas.

For example, we will demonstrate this afternoon, under Mr. Blaustein's direction, a large number of photo-duplication machines. There are various types of photo-duplication machines, those that copy directly, those that use ammonia fumes; and there are those that use a dry substance. The fact remains that these photo-duplication devices are old stuff now. You can either take them or leave them. You don't have to have them in your libraries. You may want them in your libraries. What we have done here is to present them to your view, to your examination, and we leave that part of it up to you.

The second demonstration is an area which is, again, old stuff—the X sorted punch card, the hand-operated mechanism, useful in a very, very small area or for a small collection of materials, whatever use you wish to make of them in the circulation routine. Again, we feel that they fall into the area of use and that this particular committee probably would not continue to work in this area any longer. Mr. Durr of the McBee Company and Myron Jacobstein, Assistant Law Librarian at Columbia, will operate these hand-operated X sorted punch cards.

The third demonstration session is the use of the IBM machines, the type that are used in the accounting process. These, it is true, are not particularly suitable for the role of the future of law libraries but I think they do play a very important part in certain aspects of library service, in certain areas. There is, for example, the Free Library of Philadelphia which has an installation for circulation work and the extent to which that routine operation could be performed, for instance, in some of our universities, with small circulation problems, operating the machine on one hour or two hours a day, is, I think, limitless in terms of the amount of time that can be saved for our own staff; but here, again, it is an area which is well written up and it is just a question of picking up the literature and finding out more about the machines.

In order to present these machines to you in what we think is an intermediate field, a fixed field, we have taken the New York University classification scheme, or at least a satisfactory sampling of it, and applied it to, shall we say, 150 to 200 entries. We have combined with that the Bender author numerical reference and we have inserted these on both punch cards, the hand-operated punch cards and the IBM cards, so that these demonstration sessions might have some relationship even though artificial to

the particular work you are involved in.

In the demonstration sessions, the first group of sessions that you will run into are the photo-duplication machines which are in the corridor on the way out. When you get to the first barrier you will be clustered in groups of fifteen or twenty for the punch card demonstrations, and those of you who are still with us will be gathered together in groups of fifteen or twenty for a short walk to the IBM office which is at 230 South 15th Street, for a demonstration of the machines that they are using in their accounting functions, and which are found on a good many university campuses today.

With this, the function of this particular committee will close, unless there are questions for either of our panelists, and I would like to make one other announcement. Jack Leary, who was supposed to appear on the program, has suffered a heart attack and will probably be away from his desk at his office at least until August. I understand that he is doing well. He was going to tell us about some applications, or prospective applications, in utilizing at least the Univac machines at the American Bar Center. I am very sorry that we were unable to communicate with him effectively to get the material so that we could present it here, but I would say it is as much my fault and the fault of other circumstances as anyone's.

I am sure that Dr. Perry and Mr. Biunno would be glad to answer any questions if there are any.

MR. ERNEST H. BREUER [Albany, N. Y.]: Mr. Biunno, you may have read that article by a competent attorney in the *American Bar Association Journal* where he was asked the routine question involving a Canadian pilot and after researching the *U. S. Code, Code of Federal Regulations, Congressional Index,* he gave what he thought was the proper answer, until a few weeks later the person that had asked him this question, this airline client, said, "I am surprised, I thought you knew how to look up the law," and there was a 5-cent document issued by the Government Printing Office setting forth how by some sort of correspondence between the State Department and the Canadian Government, it changed the entire complexion of the answer.

Now, that is the human element in this fascinating research institute that you are talking about—in other words, the research center. How, either by automation or by the human element, can you pick up this elusive minor point, which actually is the solution to a given problem?

MR. BIUNNO: It is all a matter of degree, of course. You will never get perfection. The difference that an automated system would make is this: To use it at all you have to assume that you are going to have a single set of designations to describe the desired material, and that all your entered material, whether it be a state statute or a constitution or one of these State Department documents, is entered in the system according to that standard designation. Consequently, unlike today, you would not look in the Federal Code of Regulations, where you wouldn't find this. You would ask the question, What is

there, of any source, which bears upon this question? If this document had been entered presumably the machine would have picked up all pieces of authority which have anything to say about it and would have turned it out.

Today's methods mean that your chances of finding it are almost zero. You wouldn't think of looking there because it is still another collection.

CHAIRMAN FIORDALISI: I think possibly Ernie's question falls into the area of the fixed-field operation. If you had put this material into your machine you would be able to get it back out. Even now, under our present limited systems, if we had classified or cataloged this material we probably would be able to get it back out under the subject matter. The fact is that we do not treat a good deal of this material because of the high cost of treatment.

Some of these areas that we are in today operate in fixed-field areas and, as a result, would enable us to handle a good many of these smaller items that are not worth (question mark) the cost of treatment, and still enable us to retrieve them when the occasion arises.

MR. MILES O. PRICE [New York, N. Y.]: There are two things that have always bothered me about these things: one, where it runs off on a statute, but more important, how the case came up. You get all these dog-gone things and while the case came up on this kind of motion or it came up on this, you have to know that. It seems to me before these things work you have to be able to throw all those out and get down to a straight decision on the merits, and I would like to ask the panelists whether they think that sometime in the future it is going to be feasible to take into account all those infinite variations, either the statute or the way it came up.

MR. BIUNNO: This is definitely feasible and whether you do it or not is largely a matter of cost. In some experimental work done so far that kind of feature is exactly the sort of thing that was taken account of in making the entries.

I might mention this, which I think helps answer your question. In the mechanical approach you do not break up your abstracts and then scatter them physically according to the alphabetical location of the first word. Each unit, each statutory section or each case is kept together, and it would consist of a string of terms indicating whatever you wanted it to, including how it came up, who the judge was, what year it was decided, and so on.

When you search, you can search for any one or more of those designated factors if you think it is important. Does that answer your question?

MR. PRICE: Mostly what I wanted to do was to exclude these matters of procedure when you had a substantive case, and so forth, so that you would immediately get down to the decisions on the substantive matter, which would not be influenced one way or another by extraneous matters to the point in which you were interested. You say it is a matter of cost. What I was interested in was the feasibility of doing that at a moderate cost.

MR. BIUNNO: I don't think there has been enough experimental work done to work up costs, but I don't think the

making of additional entries, designations, would be anywhere near as costly as the present method of cross-indexing and repeating the printing of a caption of an abstract under different captions. Where you are not interested in the procedural aspects, as you suggest now, then of course your question would simply ignore that kind of aspect and ask for your authorities according to the substantive principle involved. You would get those regardless of how they came up.

I think that a good illustration would be a case decided about three years ago in New Jersey involving a fundamental principle of contract law: the idea of impossibility of performance generated by the cessation of an essential implied condition. It happened to come up in a dispute between two labor unions and was, therefore, indexed under Labor Relations. The principle applies to contract and you wouldn't find it under present methods. If you entered it under Labor Unions and asked for that, the machine would produce it. If you were interested in the contract phase the machine would produce it from that aspect without regard to the fact that it happened to involve labor unions; and so also with procedural substantive differences. So long as the entry is made on whatever phase you are interested in, that authority will be produced.

MR. RICHARD C. DAHL [Washington, D. C.]: Are you implying your machine will search every bit of information that has been put into it without the information being classified?

MR. BIUNNO: That is right.

MR. DAHL: Won't that take a great deal of time? For example, you put all the cards in an IBM machine and you sit and wait while the machine shuffles through them and some time has elapsed before you have got an answer.

MR. BIUNNO: The capabilities of the machine are hard to predict but by the time you have the material ready to go into the machines, I think you will find the machines are pretty fast. There is one coming out this fall that I am told will search fifty thousand entries of one hundred characters each in six-tenths of a second.

MISS HELEN HARGRAVE [Austin, Texas]: Who do you contemplate will be putting the entries in the machine?

CHAIRMAN FIORDALISI: Miss Hargrave's question is, who do you contemplate putting the entries into the machine? I might state this might be the work of the Association and the members of the Association for the next fifty years.

MR. BIUNNO: I think it is going to have to be done by quite a few people. It is going to have to be done by law librarians and practicing lawyers, together.

MISS HARGRAVE: That seems, certainly, to be their province, doesn't it?

MR. BIUNNO: That is inevitable. The people who are going to use it, the people who want the answers out of it, must have an important part of the job. The people who are going to work with it, the law librarians, must also have an important part of the job, so both together will probably have to do it.

DR. PERRY: In the realm of chemistry it will undoubtedly be the chemists, themselves, and in particular the

editorial and indexing staffs at Chemical Abstracts. It is impossible for a chemist to index legal material in a meaningful fashion, and I don't think any of you whose specialty is law and not chemistry would enjoy attempting to struggle with chemical material.

CHAIRMAN FIORDALISI: We are rather pressed for time in the sense that at least one of the demonstration sessions at the IBM office should start at about four o'clock. We had hoped to pass through the photo-duplication machines and through the X sorted cards before you went to the IBM.

*At three o'clock the audience recessed for the demonstration sessions.*

## TUESDAY MORNING SESSION

June 26, 1956

*The Third General Session was called to order at nine-fifty o'clock by President Moreland.*

PRESIDENT MORELAND: Last year in Chicago I was approached by a couple of practitioners' librarians who bewailed the fact that the American Association of Law Libraries was obviously slanted toward law school libraries. "Please do something about it."

I happened to be in New York some months ago and I caught Bill Taylor totally unprepared. I said, "Will you do me a favor?" and he replied, "Why, certainly." I think he thought I was going to ask for a cigarette. I said, "This is the complaint. You are the one who will have to solve the problem." He asked, "What is the program going to be?" and I said, "That is the problem."

I turn the meeting over to Mr. William Taylor of Shearman & Sterling & Wright, who will give you the solution to the problem.

## COOPERATION IN LAW LIBRARY SERVICE—A PANEL

CHAIRMAN TAYLOR: Thank you, Mr. President. When Carroll says he just happened to be in New York, I don't believe a word of that at all. I think he made it a point to be in New York. However, as you can see by the program, the panel discussion this morning will be on "Cooperation in Law Library Service." Emphasis will be placed on the cooperation and service as it applies to practitioners' librarians and members of the Bar.

Represented by the panelists are the bar association libraries, the public law libraries, the law firm libraries, law school libraries and state law libraries. We have a limited time in which to go through this program and we will have a general discussion at the conclusion of each panelist's speech. However, we may have to cut into it somewhere along the line in order to conserve the time that we have left, so I don't want anyone to feel insulted if he is asked to conclude what he is saying rather quickly.

Our first speaker this morning will be John W. Heckel. John is the head Reference Librarian of that wonderful organization that Forrest Drummond runs out on the Coast, the Los Angeles County Law Library, and John will discuss what a public law library can do for practitioners and practitioners' libraries.

MR. JOHN W. HECKEL: There are somewhat more than 250 public law libraries in the United States. Public law libraries, or community law li-

braries as they are sometimes known, are established for the use of lawyers and the general public in a particular geographical locality. They are supported in whole or in part by public funds, whether through taxation, filing fees, fines or other levies. Public law libraries are to be contrasted with practitioners' libraries which are available only to the members and employees of the firm, bar association libraries which are established for the use of members and subscribers, and law school libraries which are geared to serve the students and faculty of the law school.

The idea of public law libraries crystalized in the 1880's. The need for them grew from the inability of the bar association libraries to give adequate service to the area they covered. Law libraries seemed to be a function worthy of general public support. They also replaced cooperative private arrangements because, as one attorney said, "I hesitate to go over to opposing counsel's office to borrow his own books to beat him with."

The growth of public law libraries has been sporadic and uneven. Some are very good and some are very bad. There are few standards such as the Association of American Law Schools has set up for law school libraries. A collection of books without a librarian in charge of them should not be called a library.

Every phase of public law library administration offers some area in which service can be offered to the firm library and the practitioner. A great deal depends on the size of the library and the training of its personnel. Every law library should be able to give service in essential areas such as cataloging, reference, book selection and ordering. The larger the law library the better its resources and the more specialized areas in which it can give service. Likewise, the needs of practitioners vary greatly. The needs of the just-admitted attorney differ from those of the firm with one hundred attorneys and a full-time professional librarian.

In one aspect the public law library is a reference library where citations are checked, code sections are identified and where a poor harried secretary can correct the language of a complaint her boss has dashed off on the run.

The order librarian, or the person who administers the order function, is able to furnish information of local and national sources of the law, prices, values of rare books, addresses of dealers and information of editions. When some less scrupulous publishers issue lavish brochures on books that were published five years ago, practitioners commonly ask, "Is this a new edition or the same one I bought in 1950?" A call to the law library is all that is needed to answer the question.

The attorney should be able to obtain an evaluation of current texts and form books from his public law library. Some attorneys don't want to order a book on approval, and yet when it comes to an expensive set they want to know exactly what it contains, what its advantages are, and whether or not it would be useful for them. Does it replace an older edition? Being familiar with the law reviews and the *Law Library Journal*, the librarian is able to find reviews of new

books. A work like *Belli on Modern Trials* creates a great deal of interest. Many thoughtful and provocative reviews have been written about it. The patron should be shown not only the books themselves, but also the pro and con reviews. An honest reviewer who knows the subject matter of the text will be able to make a sound estimate of the author's scholarship and ability, but, alas, it is not often that law books receive the reviews they merit.

The public law library is a good place to check to see if the latest pocket part has been furnished or if the latest issue of a law review has been delivered. Law firms do not keep themselves informed on current supplements; but every law librarian should be familiar with the lists of current publications in the *Law Library Journal* and the *Index to Legal Periodicals.*

The catalog department of the public law library can give advice to the practitioner on cataloging his library or at least listing his books. Questions on the most useful method of entering and indexing memoranda are frequent. Sometime in the future local law libraries might be able to furnish practitioners with processed cards or information about Library of Congress cards so the firm may have its own card catalog. Many firms feel the need of some kind of organized index. This is particularly true in these days when so much important information is contained in pamphlets and reprints and not in bound text form.

Several firms have followed an adaptation of the *Columbia Law Library Subject Headings* for vertical files. If classification is not undertaken, advice on the arrangement of books on the shelves is important to practitioners.

When the physical maintenance of his library becomes a problem, the attorney can call his public law library for a list of binders and their prices. He can also ask for a person or a method for treating old, crumbling sheepskin to keep it in good repair.

The public law library makes information and books available to the attorney and the firm library. Some libraries circulate everything; most circulate nothing. Some furnish photocopying and reproducing facilities such as dictating machines, as well as conference and dictation rooms. Some law libraries circulate only if the patron is not within twenty-five miles of the library. Some circulate on interlibrary loan, and some do not. The law as a profession is particularly book centered. To have statutes and reports readily available to prove the law in court is a necessity. Under all systems of law, including the Anglo-American common law, it requires an intensive search to find out what the law actually says. Since litigation is an adversary proceeding, a public law library cannot take sides. The books must be available to everyone, regardless of the merits or righteousness of his cause. No attorney should be given undue advantage to protect the interests of his clients.

For the novice attorney, the public law library is probably his only library resource. He depends on it for his codes and reports; he depends on its staff to educate him in legal bibliography where his law school training has been incomplete or forgotten.

For the medium-sized firm, or the attorney who is well established, the public law library offers a wider selection of books and resources for handling unusual cases. The large firm with many practitioners, on the other hand, expects the public law library to back it up like a roving center. With staff specialization in books and the bibliographical keys to the law, rather than the subject matter of the law itself, the public law librarian is able to confirm or confute the opinions of the practitioner or his staff librarian. The staff of a public law library has specialized knowledge of the details which ordinarily might evade the practitioner and the firm librarian.

The larger public law library functions also as a research library. The attorney and his library are limited in space. The attorney wants an efficient working collection ranging usually from five thousand to ten thousand volumes. Sometimes a set of codes and reports is sufficient. The new admittee usually cannot afford even that much. In most cities office space is at a premium, and is expensive. To house and service a library runs into costly overhead. The hallways and private offices are utilized to store special collections and reports, but still, with every inch utilized the value of a library is not in number of books but in the frequency of use for research. Every book must prove itself in use. Every year law firms weed out and reexamine old volumes to see that they are up to date and useful. If they are not, they must be discarded for more recent acquisitions which are used.

Since space is limited, the firm librarian or the attorney looks to the public law library for the reports, statutes, session laws and texts which he cannot afford to keep on his shelves. Old opinions refer to texts which were current at the time of the opinion but which are obsolete now. To find out what the judge said, it is necessary to check an 1890 edition of *Greenleaf on Evidence*, but there are few firms that would give up shelf space to Greenleaf for the few times it would be cited.

A movie studio is filming a television series. The story is set in 1909 and depicts the sheriff of the county officiating at an execution, rather than the warden as is now customary. To avoid criticism and insure authenticity, the studio research librarian calls the legal counsel. The firm doesn't have the space to collect all the session laws of the forty-eight states. They don't even have space to keep a book on capital punishment; so the legal counsel calls the public law library and if it operates as a research library, it can give an accurate answer to the question.

Public law libraries are the logical place to find special tools such as indexes to local legal newspapers and bar publications. The Congressional Record, hearings and committee reports are invaluable in giving legislative intent, but what office can afford to give space to thirty shelves of the Congressional Record? Briefs of local, state and federal courts are frequently used as research aids, but few firms care to house such a bulk. Local courts often hand down opinions which are not published in any of the national systems. This is the kind of material a

public law library should collect. Someone must collect the old loose-leaf tax services, and the World War price and rationing reports should be saved for possible use in administrative law. Because a public law library services many patrons, it can afford to receive current or expensive materials such as the Federal Register or U. S. Law Week by air mail rather than by slower regular mail.

Microfilm, microlex and microcards are widening the horizons of firm libraries by increasing the type and amount of material available to the practitioner. A few trays of cards do what formerly required miles of shelves. Unfortunately, these methods are not particularly adapted to frequently used local court reports. Technological advances such as machine indexing and automation are rapidly developing. It is an obligation of the public law library to experiment with new devices and methods to be able to introduce them and to educate the legal profession at the proper time. By reading the *Law Library Journal,* the *Library Journal,* and by checking such things as the *American Journal of Documentation,* it is possible for the public law librarian to keep abreast of changing times.

Some libraries have tried schemes of keeping lists of attorneys with subject interests and informing them when articles or books appear which would be of interest to them. This becomes impractical when you have anything but a very limited group of patrons. A better system is to publish lists of acquisitions or selected periodical articles which would appeal to a wider audience. The Chicago Law Institute publishes such a list. At the Los Angeles County Law Library we have compiled bibliographies and book lists on many subjects including, for example, Income Tax, Negligence Actions, Atomic Energy, Criminal Law and Legal Humor. They are designed with the practitioner and his interests in mind. They are multilithed for distribution and published in the local legal newspapers. Some have reached a wider audience in *The Practical Lawyer* and *Utah Law Review.* Exhibits are a useful means of educating patrons to library resources and facilities as well as exposing them to new developments in the law.

The public law library, a public service institution, can relieve the practitioner and his firm of many of the responsibilities of answering questions of friends, acquaintances and clients of a nonlitigatious nature. A friend with a daughter marrying in Ohio wants to know if a waiting period and blood test are required. The friend calls her attorney, a logical person to call for legal information. But the attorney has neither a law digest nor the statutes of Ohio, nor a text which contains the information. So the attorney calls the law library or refers the friend to the law library. Of course, the public law library has to follow a straight and narrow path to avoid being accused of giving legal advice, which is the responsibility of the attorney. The migrations of the 30's, 40's and 50's in the United States and internationally have produced complicated legal situations which involve the law of many states and countries. By use of digests and codes the public

law library must meet the demands placed upon it.

The relationship between public law libraries and practitioners and firm libraries is one of cooperation and mutual support. The firm libraries frequently contribute to public law libraries by gifts and donations. Many law office libraries are disposing of noncurrent materials, knowing that they can rely on the public law library for the infrequent occasions when they need them. They usually offer these materials to the local law library and the contributions are often valuable. The public law library also inherits duplicate sets of periodicals and state and local bar journals from the firms which receive several copies.

The requests of practitioners are the keys to good book selection. The needs of the practitioner are reflected in the books which he requests and the library is not able to supply, often for a very valid reason. The local public law library need not be the only library which the firms use. They may use the public library, special libraries, medical libraries, as well as college and university libraries, for specialized material which even a law library could not be expected to maintain. A private law library is no larger and no smaller than its associated public law library.

The regional chapters are a means of cooperation among public law libraries and practitioners' libraries. Ideas and information on resources and gadgets are exchanged at meetings. The Chicago Chapter has published a Directory of Library Resources which must be invaluable to practitioners in the Chicago area. The Ohio Chapter publishes a newsletter with pertinent information on Ohio reports.

These things are true of good public law libraries, but many public law libraries are not being supported in the manner in which they should be supported. Law firms and practitioners are doing on their own, often in a makeshift manner, what should be done cooperatively and professionally through trained law librarians in public law libraries supported by public funds. Attorneys who serve in state legislatures are not always standing by their public law libraries by giving them the continuing support they need. Laws are frequently enacted to provide for law libraries, but too often they are inadequate or never function because of apathy or lack of information. The local bar associations do not interest themselves in the community law libraries.

Is it the law librarians and the law libraries themselves who have failed to sell their possibilities to the professional public they serve? From 1939 to 1942 the Association had a Committee on Community Law Libraries which did valuable work in collecting information and developing a plan of action. It was agreed that publicity and public relations were needed to emphasize the value of public law libraries. Perhaps the time is again ripe for more concerted action in this field. Poor farms and prisons are *musts* for appropriations of funds, but law libraries have usually had to wait. (*Applause*)

CHAIRMAN TAYLOR: Thank you, Mr. Heckel. John will be very happy to answer any questions which you

people might like to put to him. Does anyone have any questions he would like to ask Mr. Heckel?

Our next panelist will be a new librarian from one of those law offices in New York which we affectionately refer to as "law factories." With that, I give you Beatrice S. McDermott, the Law Librarian at Dewey, Ballantine, Bushby, Palmer & Wood. They have changed that name a few times on me, I am afraid, and every time that name comes up I have to refer to it on paper. Mrs. McDermott's speech will consist of a discussion of cooperation among law libraries.

MRS. BEATRICE S. MCDERMOTT: This subject should be an easy one for me because I am to speak about cooperation from the point of view of the law firm librarian. Now, what type of library borrows more than a firm library? We borrow daily, and often hourly, among ourselves, drawing on the resources and collections of other firm libraries.

Firm libraries have pretty much the same basic materials: the home state reports and statutes, all federal reports, the *U. S. Code,* CCH and PH services, the better treatises, the *National Reporter System* and *Digests,* and *Shepard's.* Essentially, the firm library is one designed to meet the particular needs of the firm it serves. Thus, a firm having substantial railroad clients would undoubtedly have the ICC reports, the transportation legislative histories, and a voluminous file of reports and statistics on railroad problems. Some of the materials would not even be legal but would be pertinent in the trial of railroad cases.

Another firm with a library of the same size may not have the ICC reports but may have an excellent coverage on securities or banking materials.

Most of us in the downtown section of New York City are on a first-name-calling relationship and we are pretty familiar with the special collections of the other firm libraries. Our firm lawyers use the facilities of libraries of other firms. With us, a wonderful spirit of helpfulness exists which can only be explained by a mutual understanding among us of the exigency of every situation the firm librarian must meet.

The primary function of a firm law librarian is to keep happy anywhere from 35 to 125 lawyers, whose diversified interests may cover anything from having 235 U. S. delivered at once to ascertaining all the stops on the New York subway system and the Hudson Tubes to Jersey or to producing a speech delivered in the Maritime Provinces.

The firm law librarian may strive to have a library par excellence on such subjects as labor, taxation, insurance, antitrust, food and drugs, only to find that atomic energy is the burning question of the hour. And so until you have time to start your own atomic energy collection, you must draw on the materials already amassed by your contemporary across the street whose need for atomic energy publications arose sooner than yours. The point is, in a firm law library you never can tell from one day to the next what the "burning question" will be, and that is why cooperation is so very important.

We borrow not only among ourselves but from law school, govern-

ment and institutional law libraries; yes, even oil company, newspaper, chamber of commerce, financial, medical, railroad, accounting and engineering libraries are beseiged with requests from the firm library. Thus, we are continually putting to the test, and probably at times straining to the limit, the cooperative spirit of other libraries.

I can only account for the above situation by pointing out that the firm law librarian is a rather peculiar breed of librarian. He is responsible for obtaining information or material, no matter how ancient, rare or foreign to the law library field it may be. Sometimes he must be detective as well as diplomat. The mere fact that his library does not contain the particular item, and never in anyone's wildest dreams would be expected to contain it, matters not at all; nor does it alter in the least his responsibility for producing it. Once the question has been propounded, he cannot give up the hunt until, like the Northwest mountie, "he has gotten his man." Thus you can see I am not overstating our case when I say that the law firm library depends on cooperation in its purest, most unselfish form.

I might add that we have tried, and found true blue, the majority of libraries we have approached with our problems. In New York, the Law Institute is our mainstay. The Bar Associations are all too willing to check their collections for the materials we need. Our lawyers find them most obliging. The State Library in Albany is always willing to allow the firm library to draw on its wonderful resources, and the law school libraries are truly a Godsend. Indeed, without the help of all of these the law firm librarians, at times, would be a frustrated lot. Never have I called upon an out-of-state member of this Association, be it federal, state, school or firm law library, that I have not received the most gracious cooperation.

What bothers me is that we firm libraries take so much more than we give, but I believe there are ways in which we might reciprocate. For instance, a union catalog could be set up along the lines proposed by Mr. Sidney Hill, of the New York City Bar Association, at a recent New York Chapter meeting, and now actually working effectively in Chicago under the guidance of Mr. Charles A. McNabb. The plan contemplates a union catalog of the noncurrent reference materials and seldom-used publications comprising part of the collections of member libraries. This catalog could also be extended to include any rare or noteworthy items in the firm libraries which they would be willing to make avaiable to member libraries.

Also the firm law library could gain expensive book space by donating items, legal and nonlegal, which they no longer need to the institutional, association or law school libraries covered by the union catalog. I might point out here that the institutional and association libraries could render a great service if they were to build up substantial collections of nonlegal or quasi-legal materials which have been found useful in the practice of law.

The advantages of this union catalog are apparent. An enormous

amount of shelf space could be gained by all libraries through the removal of numerous duplicates which could be distributed throughout the country; and the hours that would be saved trying to locate rare, out-of-print or obsolete items would be a boon to law library service everywhere, and particularly to the firm law librarian.

When and if that wonderful day arrives, the time when by flicking the telephone dial a union catalog will answer even the most perplexing "Where is it?" then we will have attained the ultimate in cooperation among all law libraries.

We firm librarians shall, of course, miss the excitement of the chase, the thrill of the hard-won victory, but then we can't have everything! *(Applause)*

CHAIRMAN TAYLOR: Thank you, Mrs. McDermott. Again, we are open to any questions which anyone might like to put to us.

MR. J. MYRON JACOBSTEIN [New York, N. Y.]: Columbia does its share of cooperation with the law firm libraries. There is one aspect that you mentioned that I might bring up. There are many expensive specialized sets coming out which many law school libraries find hard to justify buying. For example, I think, offhand, of some specialized expensive loose-leaf services, the recent *Index Digest to the Decisions of the Railroad Retirement Board,* and so forth, which undoubtedly many law firm libraries may have to have because they specialize in work of that nature.

Could a law library such as Columbia, NYU or other comparable libraries in other cities, not buy these specialized services and depend on the law firm libraries for it when they need it; and would there be any objection raised if it was clearly understood that we would not buy this, with the understanding that we could use a law firm's services?

MRS. MCDERMOTT: I should think if Columbia borrows the item and is responsible for it, and assuming it is not done too often, it might be worked out.

MR. JACOBSTEIN: This would, of course, be done on an interlibrary basis, but it is something that would come up more than once during the course of a year. I am thoroughly aware that most law firm libraries would be more than happy to cooperate but the question in my mind is, How would your firm or how would the partners in the firm react to something like that?

MRS. MCDERMOTT: I think that depends a great deal on the policy of the firm. In my particular firm we call on Columbia quite frequently and I have the feeling that we are doing all of the taking and none of the giving, and I think if the average librarian would point that out, the firm partners would probably see it was a reasonable thing. I do think if there were continual call for one item, Columbia would probably decide they ought to get it.

MR. KURT SCHWERIN [Chicago, Ill.]: We have in Chicago, as was pointed out, the union catalog, but we also have, in addition, close cooperation between all libraries, not only the major ones.

To add something to what Myron

Jacobstein said, our library applies to all libraries. For instance, we have some but not all of the foreign law materials. Those foreign law materials which, for instance, are not in our library are in certain of the specialized law libraries, and we frequently call particularly on one of those firm libraries to supply us with materials which we do not have, and which we do not attempt to buy because this firm has it—for instance, all the reports, et cetera. This might refer also to corresponding materials in other fields. I think that Charles McNabb is going to say something more about the cooperation in Chicago.

CHAIRMAN TAYLOR: If there are no more questions we will go on to our next speaker.

Our next panelist is one of our esteemed colleagues, the Law Librarian of the State of New York, Mr. Ernest H. Breuer. Mr. Breuer has been of tremendous help to us all in New York, that I can vouch for myself, and I am sure what he has done for the people in New York he certainly has done elsewhere. I give you Mr. Breuer, whose topic will be, "Our State Law Library Serves Other Law Libraries in the State and the Nation."

MR. ERNEST H. BREUER: Thank you, Bill, for that nice introduction. I hope I merit it.

This is not the first time that cooperation has been considered in this group. Bob Roalfe in his *Libraries of the Legal Profession* devotes two chapters, Chapters 15 and 16, to the subject of cooperation between libraries and cooperation through organized groups. His survey revealed that 88 out of 166 libraries reporting reported, "Do not cooperate at all with other libraries." The poorest record was made by the county libraries, 59 out of 80 reporting no cooperation. At the other extreme is the state law library group, all of which cooperate in one way or another.

It is interesting to note that seventy-five years ago the State Librarian (this was before they had a Law Librarian in the State Library), in his annual report to the Board of Regents, made a plea for permission for circulation and loan of material outside of the library. It seems that the Legislature, by a resolution, restricted the use of the library to the judiciary and to the members of the Legislature. Fortunately, things have changed in the succeeding seventy-five years.

Typical letters that we get, after we try to help libraries that write to us for material, would be something like this:

> "It was fine to have your return mail reply to my query about the New York Study on Insurance and your follow-up card re the book review on it. The faculty is already impressed by the cooperation we law librarians get from each other. I surely appreciate your wonderful demonstration of it through your letter."

I had permission to quote this from Margaret Coonan, and in the letter in which she gave me permission, I am sure you will be interested in what she had to say about it:

> "I shall be glad to have you quote the comments of the faculty and students of the University of Mary-

land Law School on the cooperation that exists between those of the law library profession. I had a particular instance of this in the last few days. No doubt you are familiar with the *Current Index to Legal Periodicals* prepared by Marian Gallagher for the use of students and faculty of the University of Washington Law School. She issues this Index weekly, and it is arranged with particular attention to its use in a university law school library. Materials are listed by subject and classified under the subject by the form of contribution—case-note, comment and article.

"Some years back when I was in the Baltimore Bar Library, I asked Marian to put that Library on her mailing list for the Index. Apparently she has continued to send it since I left some seven years ago. Since coming here I asked her to place this University on the mailing list for the Index, and I received the first copy a few days ago. When I showed it to the Editor of our Law Review, he exclaimed: 'This is the wonderful Index that I used in the Bar Library when I was writing my article for the *Law Review*. Except for it I would not have found the case note and comments on the last two cases I was following. How much does it cost?' When I told him that the publication was not sold but that it was prepared by a friend of mine at the University of Washington and was supplied gratis to all law librarians who found it useful, he couldn't get over it.

"The Case Note Editor of our *Maryland Law Review* has asked me to request that he be put on Marian's list to receive a copy of her *Index* direct and he, too, was amazed that the extensive work that this *Index* entails is so freely put at the disposal of another law school staff.

"We law librarians are so accustomed to helping each other that it seems a natural thing to ask and receive the fruits of someone else's labor, but I can assure you that the people outside our field do not take such cooperation as a matter of course. I can truthfully say that I have already reaped much good will at the University through suggestions and materials that have already come to me from my friends in the AALL."

Parenthetically, I may add that I am going through a process of remodeling. I knew that Forrest Drummond had gone through the question of the selection of an architect and so on. When I wrote to him, Forrest not only sent me what I asked for but he was kind enough to send me a complete layout and drawings showing how a proper library should be arranged—for which I am deeply thankful. (Forrest, I hope you don't get a bunch of letters now.)

Some of you may be interested to know that an entire recent issue of *Library Trends,* April 1956, Vol. 4, No. 4, was devoted to state and provincial libraries in the United States and Canada. Paxton S. Price, State Librarian of Missouri, discusses the Role of the State Library drawn up and recently released by the National

Association of State Libraries. He discusses the five library functions performed at the state level: law, legislative reference, state historical library, general library and library extension service. Of all the public library service agencies, the state library is the least well known in library literature. He refers to the lack of integration in one unit of all the five services, with few exceptions. New York State Library combines all of these five services as part of the Education Department of the state.

Roger McDonough, State Library Director of New Jersey, traces the development of state library functions in the United States, pointing out that there is no common or standard organizational pattern for state libraries in the forty-eight states. Very few states have integrated state library services in which all the principal functions of state libraries are administered under the general direction of one administrator. Only New Hampshire, New Jersey, New York and Oklahoma have integrated systems. Maine, Nevada and Wyoming almost meet these requirements, and the rest of the states integrate some of the services and have separate state agencies for the others.

The manner of appointing state librarians also varies. Some are appointed by a governing library board, some by the Governor, some by the Commissioner of Education, some are elected by the state assembly; and in some states the Secretary of State is state librarian. In two, Nebraska and Utah, the Clerk of the Supreme Court is the state librarian.

Now I have come to the part that I processed and I want to explain why I processed this. The last few pages are devoted to the Gift and Exchange Section of the State Library and I think that probably is the most useful part of my part of the panel. It gives you a complete checklist of the indexes as to what type of state publications are available on exchange or by gift from the state library.

If you haven't got a copy of this and you would like one, I have a few extra ones, or you can write to me at Albany and I will be very happy to send you one.

At the same time, the only way I can tell you about how fully the State Law Library in Albany will cooperate is to say if you have any questions at all or if there is any way that we can help you, all you have to do is write, and if I can't answer the question I will get somebody in the Gift and Exchange Section to help me.

Some of you may want fill-ins. We try to get that. Mr. Heckel mentioned that other lawyers or private firms have no use for certain types of books. We collect all that. We encourage other libraries who are weeding out to do the same thing and deposit in the State Library so that we can have complete sets of duplicates for distribution, either by gift or by exchange.

Recently we had the Legislature amend the state printing law so that now we get two hundred copies of all legislative documents that are printed, so that we have complete files for distribution. That checklist that I mentioned will tell you the kind of material that is available. Sometimes it is not only legal material but economic and social, which in the

course of legal research you may have some use for.

I would just like to read the past paragraph of my outline as to how a state library should cooperate.

The state law library staff should be encouraged to become members of professional law library associations and to work actively for them. The library itself should be an institutional member of AALL.

I firmly believe that better library service results from making known to other law libraries what your own library is doing, what its interests are, what materials it has for loan, its duplicates and materials for distribution by gift or exchange. This can be accomplished by participation in duplicate exchange programs; publishing and distributing lists of duplicate and exchange material; checking "want lists" received from other law libraries; personal visits by the State Law Librarian to other law libraries in his state to become acquainted with their librarians, their needs, their problems and offering to help them in every way possible.

The state law library should also publicize its willingness to accept and store all unwanted or duplicate material from other law libraries or lawyers, thereby increasing its own potential to fill in gaps in the holdings of other law libraries.

Cooperation should be a basic policy of all state law libraries. A monthly bulletin published and distributed by the state law library would be an ideal medium through which much of the foregoing could be implemented. It would build good will and develop the true spirit of cooperation. *(Applause)*

CHAIRMAN TAYLOR: Thank you, Mr. Breuer. Mr. Breuer is open for questions.

MR. JULIUS J. MARKE [New York, N. Y.]: It has been the policy of the State Library in Albany not to give out any of the Governor's bill jackets for research purposes to any library until a period of ten years has elapsed since the enactment of the law. I wonder whether that still is the policy of the State Law Library because, as you can well see, it is a very difficult situation.

MR. BREUER: In New York State, bill jackets for each legislative bill enacted into law during the period 1921-1944 are available in the Legislative Reference Section of the New York State Library. Bill jackets for 1945-1954 covering former Governor Dewey's tenure were deposited in the State Library subject to certain restrictions. Those for 1945 and 1946 were made available on July 1, 1955 and July 1, 1956 respectively. On July 1 of each successive year, bill jackets for a succeeding year will be open for public use, the entire Dewey collection being freed of restriction on July 1, 1964. Bill jackets covering Governor Harriman's tenure for 1955 and 1956 are under the control of the Governor's Counsel and may be inspected with his permission only.

CHAIRMAN TAYLOR: Before I introduce our next speaker, I have a short story to tell. Back in the beginning of the year, as Panel Moderator, I was scouting around for participants in this panel and while this panel was aimed primarily at practitioners' li-

brarians and practitioners, themselves, I thought it might be a very nice thing to get some representative of the law school library on this panel. With that in mind I wrote to Marian Gallagher. She answered me rather quickly saying that she did not see how she fitted into the picture, since she was a law school librarian, to which I replied immediately stating that I had on information and belief the understanding that Marian not only serviced the law school students but that she practically serviced the entire Bar of the State of Washington, including the various state departments and administrative agencies.

Well, that seemed to seal the compact which we had between us and Marian very nicely agreed to serve on this panel. She needs no introduction, I am sure. Her subject will be, "What a University Library Can Do for Practitioners and Practitioners' Libraries," and with this in mind I give you the talented, the versatile and the dynamic personality, our former President, Marian Gallagher. *(Applause)*

MRS. MARIAN G. GALLAGHER: The University of Washington Law Library's program of cooperation and special services extends to every class of patrons, to the extent of the Staff's ability. Anyone may use the Library; anyone who can identify himself may borrow books, subject to preferential service to law students, law faculty, and members of the bench and bar.

*Cooperation with the Law Faculty:* The Staff's primary duty is to the law students, but on the assumption that what is good for the Faculty is good for the students, and on the further assumption that the Faculty has outgrown the need to learn by doing, first efforts to provide services beyond the mere availability of books are directed to them.

All Faculty loans are on an indefinite no-due-date basis, subject to return (customarily, prompt and cheerful return) if needed. Recurring necessity to request return of the same item or items is a signal that more copies are needed, and an automatic aid to book selection. Newly arrived books are rush-processed and loaned to Faculty members who want them; cataloging can proceed on schedule through a temporary "borrowing back."

Some Faculty members keep looseleaf services pertaining to their fields in their offices; the looseleaf filer services them there. Others interested in looseleaf reports outside their teaching fields may make arrangements to have the unfiled sheets routed to them, subject to return on the same or following day.

The Faculty has no research assistants and the Library Staff, while not substituting for research assistants, does considerable reference work for them. This consists of frequent collection of reading materials or specific references, collections of related statutes, cases or regulations, checking of citations, preparation of bibliographies, screening of law review articles and other materials. More extensive research is sometimes undertaken when it can be worked into a law librarianship course project, or when the matter is of concern to the entire Faculty or to the local Bar.

Once a week the Faculty receives a mimeographed subject index of the

articles, comments and casenotes contained in the major law reviews which came into the Library during the week; once a month they receive a list of new books cataloged and ready to circulate.

The Law Library Staff occasionally performs secretarian and clerical duties for Faculty members, acts as business agent for the Washington Law Review, and, because no other male clerical assistants are available, is responsible for most of the Law School's "odd jobs": the packing and moving of books and furniture, minor repairs of equipment, campus and city errands, mail collection, et cetera.

*Cooperation with University Departments:* In the years before an Assistant State Attorney General was assigned to the University, the Law Library Staff was called upon frequently to give legal research assistance in minor matters, and to do extensive research in cooperation with Law Faculty members investigating major problems. Now, its activities are confined to reference assistance to the University Attorney, occasional service direct to administrative officers (when the University Attorney is away, or too busy, or when the problem is an unofficial one), and frequent reference assistance to non-law University Faculty members.

The Faculty and Research Staffs of the Political Science and History Departments and of the Bureau of Governmental Research and Services have access to a key to the Library and use its collection with very nearly the same freedom as the Law Faculty. The Staff of the Political Science and History Branch Library has the same access, and depends upon the Law Library for bibliographic tools and equipment.

While any University student may use the Law Library, collections of needed books are sent frequently to the University Library, or to a branch library, on monthly or quarterly loan, thus allowing more convenient access to the students and eliminating work for the Law Library's circulation assistants.

*Cooperation with State Departments:* Interlibrary loan to and from the State Library and the State Law Library in Olympia is commonplace, but the bulk of the Law Library's lending results from direct requests from state officials, via the direct telephone line between the Capitol and the University. Reference service is not limited by rule, but requests for assistance have been limited customarily to requests for specific titles or for collections of articles or books on stated subjects. Other services have included the provision of office space and working materials for an assistant to the Statute Law Commission, and opening the Library at odd hours and providing "running reference" service for meetings of state commissions.

*Cooperation with the Bench and Bar:* Here is the Staff's heaviest extra-service work load, not because the Bench and Bar is more important to the Law School than the students and Faculty, but because there are more of them and some of them are less able to help themselves. To understand this, it must be remembered that outside of three or four populated areas, the State of Washington is a rural

community. While any county having a population of eight thousand has a statutory County Law Library supported by filing fees, the litigation activity of some counties makes it unlikely that the Library will contain more than the Washington statutes and reports, a digest, perhaps an encyclopaedia or A.L.R., and a few miscellaneous volumes. For this reason, the University Law Library mails to any lawyer any book or any type with the exception of looseleaf services and books which are in immediate heavy demand. No attempt is made to retain a duplicate in anticipation of demand; books are loaned even when it is known that they are in the County Law Library's collection, because of the possibility that competition for a particular title at the point of the request may make the demand there more urgent. This direct lending by mail extends to lawyers and court officials throughout the Northwest: to Oregon, Idaho, British Columbia and Alaska.

Rural attorneys who do not have search books receive more extensive reference service from the Staff than do the local attorneys who can come to the Library. A rural attorney can present the facts of his problem, indicate what books he has consulted, what pertinent material he found (if any), and if additional authority can be found it is mailed to him. Infrequently, when authorities have been scattered over an inconvenient number of volumes, the mailing has been supplemented with written summaries, but the Staff is not prepared to make it a custom.

At times Staff members have traveled to rural county law libraries to advise on remodeling, shelving arrangement, or book selection, and in some cases have remained to do the reshelving. These trips have involved from one to four days, and are, in effect, service to the individual members of the Bar of the particular county. Two part-time Staff members, while enrolled in the University's course in law librarianship, once utilized their required four-week "fieldwork" period in surveying Alaskan federal court libraries and making recommendations for their improvement.

Service to Seattle attorneys is confined largely to telephone reference service and to the mailing of books as a time-saving device. Less frequently requests for the collection of materials involve written reports, and at even more infrequent intervals an attorney may ask for help just short of briefing. All of these requests are given attention if Staff time is available, but are subject to the prior needs of students, Faculty, and rural attorneys.

For the convenience of visiting lawyers, the Law Library maintains a separate Attorneys' Library containing local materials and practice treatises, affording access to the stacks, opportunity for normal-voice consultation and smoke-filled medication (all luxuries denied the students). Available for their use, too, is a dictaphone and a Verifax copier.

The Law Library does not push its services to the Bar. The Staff volunteers mailing of items about which attorneys inquire, and sometimes volunteers a copy of a mimeographed

where-to-look Legal Research Guide, in the hope that it will help in his where-to-look education. The Staff does not volunteer searches for materials, or places on the mailing list for the weekly periodical index or list of new books, but if the request is made it is usually granted.

*Justification:* How do we justify the expenditure of time in service to others than our students and Faculty? The Law School Dean and Faculty are responsible for the administration of the Law Library; they approve, and their predeccessors approved, of cooperation with the Bench and Bar, and so we have never been faced with the stark necessity of justifying our procedure. The answer, if we were forced to concoct one, would be that money spent on books is wasted if the books are little used, and that no staff is so small that it cannot afford to be accommodating in some degree. It can never be unwise to make friends among people who have such influence over affairs of law libraries as the Bench and Bar; in any law library, their influence is direct, and in tax-supported institutions their influence is additionally important because of the predominance of lawyers in legislatures. There is no better example of the advantage of casting bread upon the waters.

CHAIRMAN TAYLOR: Thank you, Mrs. Gallagher. I think I will have to add a few more choice adjectives to that introduction I gave her.

I think we will dispense with the questions in this case. We seem to be running short of time and we have one more speaker to go.

Our next and final speaker will be someone who symbolizes the word "cooperation." He seems to cooperate with more things than I can think about. He is always ready, willing and able to fall into any sort of program that anyone might suggest, and he has been very, very helpful to me. With that, I present Charles A. McNabb, the Executive Librarian of the Chicago Bar Association, who will talk about the cooperative program as developed in the Chicago area. Mr. McNabb!

MR. CHARLES A. MCNABB: I have my watch in my hand and I was warned that you people had to get out of here at eleven-thirty and you have been warned you have to get into the dining room by twelve-thirty or you don't make it.

I want to say, first, that in no instance in the State of Illinois can you get a bill jacket or any other information about legislation, and all the cooperation that we have been able to develop doesn't help in the least.

I think it was Mohammed who came up with the classic remark that if you wanted to preach a new gospel you should not go to where the streets are lined with trees and the tables are full of food but that you should go to the wharves and the alleys and find the people whose bellies are empty and who are hungry for your gospel or for anything else. I think that is probably the answer to the phenomenon of the cooperative spirit that exists in Chicago. It sprang from hunger.

Cooperation is not a new story with us at all. The original agreement between libraries was formed somewhere around 1905 when the Chicago Public Library and the John Crerar

and the Newberry Library signed an agreement to split the fields of knowledge in their acquisition policies, and since of course all public libraries are open to the public, to permit anyone to use their facilities. The John Crerar Library took the physical sciences, the Newberry took the humanities, and the Public Library took everything else. That did not mean those libraries do not buy anything in the other fields, but that they would not concentrate and they would only carry the casual research materials in the fields that the others specialized in.

The situation in the law library field up through about 1936 was one of the highest degree of individualistic performance you could find any place. There were practically no librarians who would talk to the others except in a rather casual way, and their references to each other were always of a slurring nature. The situation could well be illustrated by the fact that some of our best book salesmen were able to use the beautiful technique of coming to one of our libraries and saying, "You had better buy this. I just sold a set to so-and-so"—and it worked. It worked perfectly. They did it. They all bought the same useless sets. *(Laughter)*

The fact that the cooperative spirit really got going in Chicago, as I say, was due to hunger. There were seventy-five people on the WPA at that time who had had no experience in raking lawns or in shoveling and whose usefulness was limited to the pushing of a pencil or pounding a typewriter, and the woman in charge of the project had a very bright idea. She thought if she could get all the libraries together and make a union catalog of all their holdings, she would have something that the libraries wouldn't do themselves and she could justify using these people on it.

There are several people in this audience who were instrumental in the beginning of that project and while most of this story is bound to be slightly autobiographical because I am the only one who stuck with it through all the period, I will have to be modest because I know Forrest Drummond is waiting for me to go off the deep end someplace; and Bob Roalfe is around someplace, or he ought to be. He was a little sleepy this morning; he may not be here yet.

What I want to say is that the project got started. They went through all the libraries in Chicago and they copied the names of the books off of all the stacks, with the exception of Northwestern, and Northwestern University had a catalog of sorts and they used that for a base.

When they had about eighty thousand cards typed and about 150,000 paper slips hand-written, they gave up the ghost and the two Bar libraries, the Law Institute and the Chicago Bar Association, decided that inasmuch as they didn't have a catalog, anyway, and they needed one, they could continue the support of the project. They shopped around for someone to operate it. I am not sure whether it was my fortune or my misfortune that they picked on me to do the job, but I can tell you that the two gentlemen who interviewed me for the project—at that time I was working as a reference librarian at the University of Chicago and had taken

one course in cataloging with Forrest Drummond. The fact that Forrest got where he is without taking any more courses is a sort of slur on library education, but when I finished with my degree, much to the disgust of the Graduate Library School and five deans who retired before I got it, I proceeded to become a cataloger.

Now, the two gentlemen who hired me, one of them was Willard King whom some of you may have heard in Chicago last year. He talked at our annual banquet about the joys of being a collector of biographies. He represented the Chicago Law Institute and he and the elected librarian of the Chicago Bar Association got together as a committee. They painted a very glowing picture of not only the job and the operation but the prospects.

The day that I burned all my bridges and had retired from any known source of income outside of this prospective job, the two members of the committee, when they were sure I couldn't go back, met with me and told me that the two institutions who were hiring me and were going to pay my salary for the next umpteen years never talked to one another; that outside of this particular project and having agreed on me, the only two people in both institutions who were agreeable to the thing were themselves and that unless I could sell the spirit of cooperation between them, I probably wouldn't eat very long.

You can see that the situation made me a pretty good salesman for the spirit of cooperation. I could see a long line of meatless and eatless days stretching in front of me and I waxed extremely eloquent on the subject of cooperation.

Within the next two or three years the war came on and removed two of the best librarians from Chicago, the one at Northwestern, Sam Thorne, and Forrest Drummond from the University of Chicago—and by the way, they both did better by it. I think both of them came out of the Navy with wives and with better jobs. But it brought both of those institutions to my door for reference service. I don't think they would ever have bothered otherwise, if it hadn't been for that, but the successors to their positions came to me first and I talked them into cooperation before they had a chance to think of what they might do otherwise.

The first time I talked to Mr. Roalfe, who had come from Duke, I told him that I had been selling this business of cooperation in Chicago for years and that I had done everything with the institutions involved; I had made them loan each other books; I had made them permit each other the use of their facilities, and I had done quite a considerable bit of missionary work, except to organize them.

He said, "Why don't we do it?" If you haven't had any experience with Bob Roalfe, let me warn you now, you are either prepared to go along with it or you keep your mouth shut, because if you suggest a good idea to him, the next thing you know it has happened.

We had, about two weeks later, the nucleus of an organization in Chicago which you know now as the Chicago Association of Law Libraries. There

are four libraries, all about the same size, in Chicago and we do not have any behemoth such as the Association of the Bar of the City of New York or Columbia or Harvard in our midst or anywhere near available to us.

We had a rather spotty history in the collecting of books and some of the libraries have had librarians and some have had poor excuses for librarians, and the selection of books in the libraries in Chicago up to very recently has been more or less on a very individualistic and hit-and-miss basis.

We decided that we would do something to correct that because in the entire city of Chicago there was a vast duplication in many items and there were great gaps in others, and the first thing we did was to organize within the Chicago Association of Law Libraries a sort of Executive Committee of four members, representing these four major libraries, because while we counted the other libraries as part of our picture we did not look to them for anything in the way of unusual material.

Of course, we had as a nucleus of our organization the Union Catalog, and we still use it. Up until 1951 we had it as a regular dictionary catalog with a subject index, and if any of you have any problems in bibliography that you can't find in Julius Marke's catalog, we will answer all sorts of letters from anybody about bibliography or legal reference or anything that you could think of that we can manage. Since 1951 all of the libraries have developed their own catalogs and we are now keeping it up on a finding basis with just a single entry.

This committee, what we call our Big Four or Main Four Committee, meets about once a month, and we very fortunately picked Bob Roalfe to head this committee. We engender a lot of bright ideas in our discussion, but it is Bob who calls up often and says, "How did you do this year? We are going to have a meeting pretty soon and we would like to have a report." And you know, somehow or other we get it done. It is one of those things you just have to do. If I, myself, can take credit for having been the prophet of cooperation in Chicago, I think we will have to give credit to Bob Roalfe for having put the profit into operation because he has certainly needled the rest of us into performance.

In the first instance, we amplified the Union Catalog by making checklists of all the materials we thought or knew were held in sort of spotty holdings. For instance, we checked all of our session laws before 1900; we checked all of our attorney general opinions holdings; we have checked all of the Judicial Councils, American Law Institute drafts, temporary and permanent, and in any instance where we have found duplication we have exchanged findings.

The first thing we did before we did any of those things was to sit down and draft a policy. We decided to put in formal contract form the policy of all our libraries in regard to loaning material to other libraries or to other people, and the use to which we would permit our facilities on the premises to be used by others.

Our library, particularly, is very busy during the day and we let almost anyone come in early in the

morning, nine o'clock, or later in the evening. The other libraries decided the conditions upon which they would permit users, on which they would loan books, and so on. That is in the form of a formal draft and I would suggest anybody following the pattern should start with that because it clarifies the air as to what you can get, and under what conditions.

The next thing we did, as an outgrowth of these studies—I say "we" because it is a cooperative venture—is that we have produced probably the most stupendous bibliography of an area collection of legal materials in existence. Of course, Kurt Schwerin's name is in it and Kurt Schwerin's sweat is in it, but the rest of us put a finger in it here and there and we are very proud of the production, and we are also proud of Kurt because there, again, is a man of persuasive and persistent talents. If you want a job done any time, get Kurt. If he can't get it done, I doubt if it will be accomplished anyway.

We have studied the entire area for gifts. The first thing we did was to decide we would forget our institutions in our general discussion, in our own particular plans, and consider the entire area, Cook County, Chicago, Illinois, or whatever you want to take as an area for service in the law library field. When you start with that premise, then you can say to yourself: We have a rather good collection in this and there is a gap in the area. This is the thing we should have, and we will take the responsibility and we have farmed out the responsibility for acquiring a great deal of material which previously was a gap in the area.

Kurt Schwerin's bibliography included legal materials in many other libraries and in Chicago we have a great many libraries which are specialized and which we use. We have a Library of International Relations, the Municipal Reference Library, and we have a Joint Reference Library that is connected with the Council of State Governments and the other agencies that handle administrative governmental affairs, and those libraries are all open to us and our libraries are open to them, so that the spirit of cooperation has gone all the way through the library field as far as law libraries are concerned.

Another thing that we have that is a lucky thing for us is that we have the Midwest Inter-Library Center in Chicago and there, again, we have a depository library that is devoted to the collection of little-used materials. The poor fellow who took over that job, Ralph Esterquest (he came from Colorado, I think), was met with a barrage of law libraries before he ever got settled. He had a little room on the top floor of the Harper Library at the University of Chicago and we simply surrounded him, because a great many of the items that we knew he would be collecting as little-used materials for general libraries would be in our field and we had very special interests in having him collect certain ones and not bother with others.

For instance, he is now developing a beautiful collection of state documents and it is the only one in the area. The rest of our libraries are very happy to donate to him any volumes

in that area that we have. He does not collect any federal documents because there are three depositories in the area and most of the law libraries have federal documents of one kind or another.

We have the John Crerar Library involved in it to the extent that the John Crerar gave up their depository collection of government documents and their serial collection of House and Senate Committee reports which came to us just this year. I almost had to go and look somewhere else for a job when my Board found out how much stuff I had taken because, after all, space in the Loop in Chicago is a rather expensive thing; but we were lucky in having bought a building and having a tax-free letter from the Internal Revenue Bureau depending upon our professed service use of it, I explained to them that by using the building for this purpose it would save them more taxes than they could possibly collect in rents, and being that shrewd, I suppose they figured there was no use arguing with me any further and I got the space.

We collect, as Ernie does and some other people in metropolitan centers, vast quantities of duplicate materials and those duplicates that we collect in our library we make available to all the other libraries if they can use them, provided that they are excess to us—but that doesn't stop us from collecting them.

I could talk for quite a bit more but it is just about twenty-five after and I just wonder if anybody has any questions. I would be willing to answer any questions now or later.

MR. JULIUS MARKE: Do your Bar Association rules permit nonmembers to use the library collection?

MR. MCNABB: That is a fine question. That is a very fine question. No.

MR. BREUER: That is not a good answer.

MR. MCNABB: No, they don't, and they don't permit me to loan books, either, but last year we loaned some fourteen thousand of them to various people.

MR. BREUER: That is a better answer.

MR. MCNABB: They don't permit nonlawyers to use the library and they don't permit lawyers who are not members to use the library. They are very particular about that—but I am not. And I have explained to them that they would lose the privilege of being siphoned off to places where there are beautiful collections of specialized materials which from time to time they use and they want and they need, if I were to refuse to reciprocate, and on that basis we make it go.

For a great number of years I was very chary about announcing it and I kept it pretty quiet, but I finally got to enough people who were able to see the light. By the way, selling cooperation to your own organization is a tough job. Marian explained that she sometimes worries about going a little far afield, but as a Bar Association we have a sort of public interest in the community because we do some public functions like grievance work, and we do selection of judges, and that sort of thing, and we have a considerable amount of interest in maintaining good public relations, and I explain to them that this is the best

form of public relations you could possibly maintain.

I doubt very much if there is any citizen of the city of Chicago who couldn't, by some hook or crook, get into our library, because I have made agreements with institutions of every kind and all you have to do is find one that would sponsor you. Even if I wanted to get tough I couldn't keep you out.

MR. MARKE: But there is always the possibility that your successor will not continue your policy and that will be the end of your liberal policy.

MR. MCNABB: It will probably be the end of me, too, and I won't have to worry about it. *(Laughter)*

MR. BREUER: May I ask a question? In this Union Catalog, does every library that participates have a whole set of cards so that you know exactly where each piece of material is?

MR. MCNABB: We tried to figure out how to duplicate 155,000 cards. We tried it with microfilm and we did make a microfilm copy but we are using it for security purposes and it is stored in a vault in the First National Bank. We don't think you could use a catalog on film very easily. We tried to get the Recordak people to show us what duplicates on cards would look like. They use a strip paper to take the picture. The paper is photographic, there is a certain amount of phosphate in it and it doesn't stand up under constant handling. If you could get the type of card you use for microcopy you might be able to reproduce it photographically. Any other way would be too expensive. Anyway, there is not too much point to it. The telephone is very handy to most people and we give you more service than you could get, yourself, because we know how to use our own catalog.

Our Union Catalog is used by lawyers quite a lot. We don't advocate it because then they want us to get the books, but if they come around looking for something we don't have, we tell them to take a look in the Union Catalog. It is on another floor, and we will help them in whatever problems they run into. Some will spend a considerable amount of time on it. We either get the books or send people to other places.

For instance, in Chicago we have consciously not bought any books on foreign law. We don't intend to. Northwestern University does that, and so does the University of Chicago. We discovered not too long ago that Max Rheinstein at the University of Chicago acquired a great deal of money to set up a collection of materials on comparative law, and right away we didn't let any grass grow under our feet. We have scheduled a meeting with Dr. Rheinstein and we have told him what our plans have been, what our plans are, and we are now surrounding him so that what he collects will not be duplicated by what we already have available and he will be certain to collect the things that we want.

If any of you have any intention of starting a project in Chicago that has anything to do with law libraries for reference keep quiet about it or we will be there and be on the job and we will have you surrounded, too. We are completely in earnest about it and we don't let anybody renege on it.

We keep after anyone and I think it is a wonderful thing. It works, but as I say, it is a phenomenon of psychology that started from the fact that none of us feel we are competent by ourselves to handle all the service that comes to us, and that sort of feeling is one of the things that makes you cooperate just like being hungry makes you a good salesman.

Anything else? I guess that is all and I made it, too; it is just eleven-thirty. *(Applause)*

CHAIRMAN TAYLOR: Thank you, Mr. McNabb. I wish to thank all the panelists who so efficiently served on this panel, and while we are in the spirit of cooperation I would like to thank everyone here for your cooperation in attending this meeting.

MR. BREUER: I want to let you know that I talked one of our wealthy patrons, the General Electric Company of Schenectady, into giving us a photocopy machine and that will enable us to give you copies of any noncirculating material. So, if anyone has any need for material that could be quickly photographed, New York State will be very happy to send it to you.

MR. MARKE: No charge?

MR. BREUER: If I can get away with it, there will be no charge but you know how red tape is. I think we charge 25 cents for the first page and 15 cents for any additional page—no charge for postage.

*President Moreland took the chair.*

PRESIDENT MORELAND: I am sure the problem is answered and while I didn't hear all of it, I am enthused about cooperation and perhaps Philadelphia in 2006 can attain as much success as Mr. McNabb has had with respect to Chicago. Unfortunately, we always have to transact business and have committee reports. At this time I would like to call on Mr. Stern to give the report of the Law Library Journal Committee.

MR. WILLIAM B. STERN: The Executive Board decided in its last meeting to discontinue 4 point type in the textural matter so that in the future you will see the President's Page and similar things in more readable type.

Also, the Executive Board decided to increase the publication frequency of the Checklist of Federal and State Reports, and the like, from one time a year to twice a year. We have had quite a few complaints about it and we are happy that the financial affairs of the Association permit the increase of frequency.

Also, we are inquiring whether we can increase the frequency of the publication of the *Journal,* itself, from four times to five or six times a year.

All of you realize that committee reports, if they exceed three hundred words, cannot be published in the August issue of the *Law Library Journal* or in a subsequent issue unless the membership of the Association, at a meeting assembled, so decide. At this time I would like to move, Mr. President, that the reports of the Committee on Committees, of the Committee on the Budget, and of the Committee on the Index to Legal Periodicals be published in full in the *Law Library Journal* although they exceed three hundred words each.

I would like, before you vote, to ask that you exercise restraint in adding further reports to that list, for the

reason that all of you have received the committee reports here. There are, altogether, forty-three committees and representatives in the organization entitled to make reports. What you have in front of you contains only twenty-four out of forty-three reports —just about half. You can readily see that the expense will be great, that it would be very difficult to read that many reports, and I would say that whenever a report can be condensed to three hundred words we certainly should try to do so.

The three cases which I mentioned, the report of the Committee on Committees, the Committee on Budget, and the Committee on the Index to Legal Periodicals, do not lend themselves to that; it is not possible to express the same thing in three hundred words in an adequate manner which would do any good. That is the only reason I make this motion.

MR. DILLARD GARDNER: I second that motion.

PRESIDENT MORELAND: Mr. Stern has moved that Mr. Gardner has seconded a motion that the reports of the Committee on Committees, the Committee on the Budget and the Committee on Index to Legal Periodicals be published in full in the Proceedings Issue. Does anyone want to discuss that?

MR. STERN: In any issue. It may be the August issue.

PRESIDENT MORELAND: In any issue. Are you ready for the question? Will all those in favor signify by saying "aye"; opposed. The "ayes" have it and the motion is carried.

I overlooked something yesterday. I didn't intend to keep it a dark secret until the closing day and, therefore, I will try to make amends by mentioning it now. The Committee on Elections has made a report and it was quite clear that four people would be elected, as I recall it: Dillard Gardner is elected President; Helen Hargrave is elected President-Elect; Jean Ashman is elected Secretary; and Huberta Prince is elected Treasurer.

The committee reported to the Secretary the number of ballots cast, the number of ballots void, the number of votes cast for the two candidates for membership on the Board. The person who received the larger number of ballots for that position on the Board is Vernon Smith and he is elected to the Board for a three-year term.

I have about one minute and I would like to say that there are several committees which have turned in their reports and there is nothing more to be said other than that they have been turned in and you will see them in print: the Committee on Cataloging and Classification and the Committee on Chapters; the Committee on Cooperation with the Library of Congress; the Committee on List of Law Libraries (incidentally, their report is the list of Law Libraries in the United States and Canada); the Committee on State Bar Cooperation. The Committee on the Application of Mechanical and Scientific Devices to Legal Literature filed its report "in personam" yesterday afternoon.

Those are the committees that I will indicate at this time as filing their reports. I would like also at this time to report that the Committee on New

Members has submitted a report indicating that it recruited thirty new members.

*The meeting adjourned at eleven forty-five o'clock.*

## LUNCHEON SESSION

Tuesday, June 26, 1956

*The meeting was called to order at one-thirty o'clock by President Moreland.*

PRESIDENT MORELAND: Yesterday we were addressed by the present Chancellor of the Philadelphia Bar Association. Today it is our great fortune to have as our speaker a former Chancellor of the Philadelphia Bar Association. He is not only that; he is a great deal more. He has been President of the Pennsylvania Bar Association, President of the American Law Institute, he has been a Senator, he is an author, he is probably the greatest trial lawyer that Philadelphia has had for a long, long time. In fact, although the phrase "Philadelphia Lawyer" is older than Senator Pepper, I think it was coined for him. We are greatly honored to have as our speaker today Philadelphia's most distinguished citizen, Senator George Wharton Pepper.

## LAWYERS AND LAW BOOKS

GEORGE WHARTON PEPPER: I value the invitation that brought me here very highly for while I have no claim to being an expert in dealing with books from any point of view, I have been a lover of books all my life and that means a long time because I became a law student just short of seventy years ago and in my student days was indoctrinated into the ways of the law and acquired a little familiarity with the books.

Today, if you will permit me, I am not going to attempt a formal address. I am going to talk to you quite conversationally as one would do in a group of friends, because while as individuals only a few of you are known to me, there is something or other about the republic of letters, there is something about life spent among books which creates a bond of association so close that each man who experiences it is justified in thinking of all the others as his friends. So, with your permission, I will talk very conversationally about my experiences with the books and what they mean in the life of a lawyer.

I suppose one ought to begin with a definition of a good book, should he not? Milton, in one of his prose works, the *Areopagitica*, gives this definition: "A good book is the precious lifeblood of a master spirit embalmed and treasured up for purpose of life beyond life." Of course, he wasn't thinking of law books, but law books have attained a measure of immortality—some law books. I suppose if we look back over history we would have to concede that the Code and the Institutes of Justinian are imperishable as part of the history of books and libraries. My recollection is that Napoleon said of himself, "I shall go down in history with my Code in my hand," and long after Austerlitz and Marengo are forgotten, the Code Napoleon will be remembered as an epoch-making compilation.

In England I suppose Lord Coke's writing attained a measure of immor-

tality. He is so preëminent in the history of English law that what he has written is accorded a place among books that are immortal. By the way, Mr. President, I wish somebody could tell me why we universally speak of the great Chief Justice in this country as Coke and in England he is always spoken of as Cooke. What the reason for that difference in pronunciation is, I don't know. Perhaps some light will be thrown upon it when Kitty Drinker —Catherine Drinker Bowen—the author of "Yankee From Olympus," produces what I expect will be her magnum opus and that is her "Life of Lord Coke" upon which she has labored diligently, and has labored for many years.

I suppose immortality can be accorded to Blackstone's *Commentaries.* I am not speaking now of the book as an instrument of legal education. Be that as it may, the Vinerian Lectures marked a milestone in the progress of the literature of English law, and I fancy that Blackstone will be thought of as an historic legal treatise as long as the common law endures.

I know seventy years ago when I became a student it was a matter of course that you read Blackstone. We read it, especially the second book, with assiduity and we were expected, when examination came, to be pretty familiar with it. I look back with some amusement to the devices that I resorted to for the purpose of remembering lists of things which, without some sort of mnemonic device you would be apt to forget. The parts of a good custom: "crip" with two C's—it had to be continuous, it had to be certain, it had to be reasonable, it had to be immemorial, and it had to be peaceable. If you had those concomitants you had a custom to which legal recognition could be given, and so far as immemorial was concerned, you satisfied the requirements of proof if you could prove the existence of the custom as far back as the days of King Richard I.

I remember the incorporeal hereditaments of which Blackstone makes so much. It caused some trouble in law students to remember their names and their order. I devised a mnemonic sentence: A terrible catastrophe will overwhelm dynasties founded contrary to all rights. Translating that, it means: advowsans, tithes, commons, ways, offices, dignities, franchies, corodies, annuities and rents. We had to know them in that order and all of us had sentences of that sort by which we recalled them—not that one ever heard in this part of the world of some of them, such as corodies, the right of sustenance, but we had to learn them and they served a certain function in forming our minds and in training our memories.

I remember being asked on examination what were the four kinds of dower known to English law. I was delighted to be able to reply they were dower by the common law, dower by particular custom, dower ex assensu patris and dower ad ostium ecclesiae. You had to have all four kinds clearly in mind if you wanted to pass the examination, even if you never heard of them afterwards.

Looking back over those student days, I remember the books which were our tools in a system of education which proceeded by law lecture

and textbook, and I always sympathized with the man who said that a law lecture is the process by which material on the notes of the professor passes to the notes of the student without passing through the mind of either of them. [Laughter] But Stephen on *Pleading* was a book with which we had to be familiar in greatest detail. I went into my examination at the end of the senior year with perfect confidence, expecting to be asked what was the replication dies injuria absque tali causa, and so on, and to my amazement here were ten questions which read somewhat thus:

A versus B, assumpsit for breach of warranty on the sale of a horse. Plea: the general issue. The defendant offers evidence that by the custom of the exchange warranties expired 24 hours after they were given. Was the evidence admissible under this issue?

You can't imagine what that did to somebody who had been trained with the verbal accuracy of textbook learning, and I think only four of us got through in a large class, and then we went to Professor Biddle, we four who passed, and exposulated with him. He saw the point and laughingly told us that what had happened was that after he finished the course in the classroom, there was an interval of two weeks before examination and he had employed those two weeks by going up to Cambridge and sitting at the feet of men who constituted the faculty at the Law School in those days, notably, James Barr Ames, and he became so fascinated with Mr. Ames' way of teaching from the cases that he borrowed his ten questions that Ames was going to give to men who had been trained in the Socratic method and he tried to examine men who had been trained only on the textbook. Then he gave us a reëxamination and then everybody passed because everybody knew the textbook by heart.

But he gave notice that never again was he going to teach by lecture or textbook; that from that time on, the case system was to be the basis of the instruction. Unhappily, he died before the next year came, but the good that he did lived after him and I know, speaking personally, that when I became a teaching fellow in 1889 and was assigned the course on Common Law Pleading, I taught it for a year and then came to the conclusion that I knew something about pleading but nothing about teaching, so I got a leave of absence and went up to the Cambridge school and sat at the feet of the great men who constituted the faculty in those days: John Chipman Gray on Property, James Barr Ames on Pleading and Torts; old Dr. Langdell in Equity Pleading; James Bradley Thayer in Constitutional Law and Evidence, and so on and so on. It was a revelation to me, the way in which it was possible, by the tactful handling of the class, to bring it to pass that during an hour's instruction you made the class do more talking than the teacher, and the hour was thought to be a success or a failure by the teacher according to the amount of participation in the discussion that he obtained from his class.

I am glad, in looking back upon it, to feel that when I came back from my experience at Cambridge, gradually I was able to persuade my col-

leagues (especially after I became a member of the factulty and remained such for twenty years) that the lecture and the textbook should be discarded as the sole media of instruction and that the Socratic method was the thing best calculated to bring out what was best in the lawyer and to make of him a man fitted for the contests of the forum.

Another book that we were compelled to memorize was Sir James Fitzjames Stephen's book on Evidence. Sir James Fitzjames Stephen had been an Indian judge. He had drafted the Indian Evidence Act, after which he took the material of that Act and shaped it in textbook form, reduced it to a series of mathematical propositions, and the students were expected to be so letter perfect in it that if, for instance, I would be called upon to give the rule res inter alios acta, let us say, it was my function to rise and say, "A fact which renders the existence of a fact in issue probable by reason only of its general resemblance thereto and not because of its being related thereto in any of the ways hereinafter specified is deemed to be irrelevant and is inadmissible in evidence."

It was necessary that we should be letter perfect in the whole book and many of us were, and you would be surprised how much of that memorized material has stuck, for instance, in my mind through seventy years of a somewhat active life.

But those things have all gone. Stephen on *Pleading*, I suppose, is somewhere in the dust heap in your library and elsewhere. Stephen on *Evidence* is forgotten. Wigmore has taken its place, and taken its place much more effectively in a much more thorough and scientific discussion of the subject than the older books, and some of the other books that were familiar to us have been supplanted by Samuel Williston's book on *Contracts* and Austin Scott's book on *Trusts*, which seem to me, among modern textbooks, to be most admirable.

The old textbooks are mostly forgotten. I remember Mr. Gray, John Chipman Gray, telling me that in his opinion the two English-speaking textbooks that were most worthwhile were Blackburn on *Sales* and Rawle on *Covenants of Title*. You very seldom hear of Blackburn on *Sales* these days, although it was a great book, and Mr. Rawle's book (he was a Philadelphia lawyer and spent his leisure time writing the textbook, which was an admirable piece of work) is hardly known even to members of the Philadelphia Bar, let alone to the rest of the American Bar.

But I am not a worshiper of time past. I watch the evolution of the profession, the evolution of the law, the evolution of the books with profound interest and altogether with admiration. I used to feel that somehow or other I was being separated from my friends when they stopped calling the reports after the reporter who wrote them and substituted numbered volumes instead. I thought it was a kind of insult to Wheaton and Otto and the other boys who reported for the Supreme Court of the United States, and to those who had become familiar with the state reports according to the names of different reporters. It seemed to me it was too bad that they should be forgotten, but it was inevitable and

I have come to think of 350th Pennsylvania as a more satisfactory way of designating the report than if it had been named after my ancestor Wharton who produced six books.

May I say for the benefit of the ladies here that my grandfather had six daughters. He had ten students registered with him. He quizzed them every evening from seven until nine. At nine o'clock he led them upstairs to the drawing room where Grandmother had cake and wine, and the piano was ready, and one of the law students would play the piano and they and the girls would dance until ten o'clock and then they went home. There were six sisters, of whom my mother was one, and the girls were known as 1st, 2nd, 3rd, 4th, 5th and 6th Wharton.

The reporters are almost forgotten. I was brought up on the English common law reports, Meeson and Welsby and DeGex, Fisher and Jones and Carrington and Payne, and so on, and I missed them when they passed out of common use, but I realized that in the interest of progress it was essential that they had had their day and I parted with them with regret.

This is not just a formless conversation of mine, with no end in view. I want to emphasize the thought that the material of the law, as you people know so much better than I, is accumulating with a rapidity which it is hard to realize. The only thing that I can think of that is comparable to it is in the field of what was my favorite sport when I was in good health and strength, and that was mountain climbing. The way in which mountains were climbed and first ascents made, in my boyhood, bore about the same relation to the organized expedition which conquered Mt. Everest that the methods of librarianship and legal teaching in my early days had to what now is done so well in the schools, and it would be just as impossible to handle the mass of material that now exists without trained guides as it was impossible for those men to scale Mt. Everest with success.

We have got to have this association of librarians constantly reminding the profession of the vast mass of material, the necessity for intelligent attention to the exploration of it, and I don't know how you feel about it but I am satisfied that there ought to be in every office of any size or importance some young man who is trained and who gives his whole time—his whole time—to the work of the library.

The amount of time that is wasted by the active practitioner in doing research which could better have been done by the guide who could steer him to those things which he had to take into consideration to do justice to his case—the amount of time wasted in that way is incomparably more of a waste than would be compensated for by the salary of a law librarian in a big office who would explore the manifold recesses of the National Reporter system, who would keep you informed about legal periodical literature, who could instruct the man in the firm who was assigned to look up a certain subject of where he might go with profit to find what he seeks.

That seems to me to be a matter so obvious that I venture to hope that it will receive the adequate attention

of this Association. I would like to see in every large office a trained librarian whose sole business it was to make the resources of the common law and of equity jurisprudence available for the daily worker.

The way in which I have spent hours of time in trying to find something which I could have been directed to in a moment by somebody who knew the ground come before me as a sort of nightmare as I look back and think of the wasted days and weeks and years. I think I first came to realize this when I was in the Senate and was Chairman of the Joint Committee of the House and Senate on the Library of Congress. I worked with Herbert Putnam in those days and became interested in his effort to make of the staff at the Library of Congress a faculty, as it were, of law, of men not who would do research for the student but would direct the student where he was to go in order that he might make his research with reasonable celerity and profit.

I can't help thinking that what worked so well in the case of the Library of Congress would work equally well if applied to our profession.

The parting thought that I leave with you is this: first, that your organization is absolutely essential to the intelligent development of the common law; and in the second place, that you will do well if you give consideration to encouraging in each legal center, even the little center represented by a single office, the formation in that group of a sentiment in favor of a local librarian who can do for his associates in the office far, far more good than it is possible to accomplish when they are left to their own devices.

Mr. Chairman, I have talked too long. I get interested in these things and when you are very old you get garrulous and I would hate to think that I have victimized the audience in that fashion, but at least they will exclude me from the number of those whose minds become case-hardened as they grow older. At least you will say, "That old man may not know his way around but he knows the importance of having good guides," and it is to this Association that he looks to supply them. (*Applause*)

*At three thirty o'clock busses left the Bellevue-Stratford Hotel for Longwood Gardens, Kennett Square, Pennsylvania. Supper was served in the Banquet Hall, after which there was a special display of the illuminated fountains, arranged through the courtesy of Dr. Russell Seibert and Dr. Charles E. David.*

*Following announcements, the meeting adjourned at two o'clock.*

## WEDNESDAY AFTERNOON SESSION

June 27, 1956

*The meeting convened at two o'clock, Mr. Dillard Gardner, Marshal-Librarian, Supreme Court of North Carolina, presiding.*

CHAIRMAN GARDNER: This is the first opportunity that I have had to speak to you since you have paid me the honor of giving me the privilege of acting as your leader during the coming year. You have drawn a rather green country boy but he loves your

organization and I will give you my best.

Without taking any more of the valuable time of this group from your discussion leaders, I want to present to you those who make up your panel. Our discussion leader for the afternoon is Mrs. Frances Karr Holbrook of the University of California Library, Los Angeles, who has been acting as Chairman of the Classification and Cataloging Committee.

On the panel we have, Pauline Carleton, Assistant Librarian, University of Illinois Law School; Werner Ellinger of the Law Library of the Library of Congress; Mr. William B. Stern, Assistant Librarian, Los Angeles County Law Library; J. Myron Jacobstein, Assistant Librarian, Columbia University Law School. Mrs. Holbrook will introduce them further with their subjects.

## CLASSIFICATION FOR LAW LIBRARIES—A PANEL

CHAIRMAN HOLBROOK: In 1907 at the second annual meeting of this Association there was a panel on classification—and here we go again—so I suppose fifty years from now they will go into it still further.

Last year at the meeting in Chicago the Association passed a resolution recommending that the Cataloging Committee undertake the study of classification. Although the resolution was passed at the meeting it was not acted upon until the Executive Board met in December, and then they felt it was quite urgent that something be done about classification so they changed the name of our committee to the Committee on Cataloging and Classification and asked us if we would go ahead on doing something about law classification, which we did, and we have started. We haven't done much yet but you will be kept posted on our progress and you will hear from us from time to time. We will ask your advice and your opinion. In the meantime, we thought perhaps this panel might give you some idea of how we are thinking, what we are doing, what the problems are.

Miss Pauline Carleton, who is a member of the committee, when she found out that we were going to undertake classification, not only ran right out and took a course in classification but she volunteered to draw up the preliminary working paper, which she has done. She will set the stage for the other panelists by discussing the background and the historical and theoretical aspects of classification. Miss Carleton!

MISS PAULINE CARLETON: As Mrs. Holbrook has said, we are starting again on the problem of law classification and we thought that as a background perhaps we should know actually what we mean by classification and what we already have, and what the possibilities might be that we could have. There is an accepted definition of classification: the art of separating things according to their unlikeness and assembling them according to their likenesses.

Like all definitions, it often needs a little explanation, but it is really very simple. For instance, all of you have just come from lunch and when you chose your lunch you noticed that on the menu there were listed the appetizers, the entrees and the desserts.

Things were separated according to their unlikeness. Under the appetizers were listed all the appetizers they had to offer. Things were there collected according to their likenesses, so that there, in effect, you have a type of classification.

But as librarians we are mainly interested in two kinds of classification: the classification of knowledge and the classification of books. I probably should add also a classification for documents as there has been much discussion of that. An example of a classification of knowledge might be Bacon's Classification, the sort of thing that you all studied in Philosophy courses. And as you know, as for classification of books, we have many classifications for law libraries. I know of at least fourteen of them, anyhow.

What are the differences between classification of knowledge and classification of books? Actually, there is very little difference. First of all, they each divide into major segments according to some sort of definite plan. As you know, West chose a theorem that he used as a definite plan. A classification for a law library might divide according to legal systems. These major segments are always called classes. These classes can then be subdivided, each class divided according to one particular differentiating quality, and this one quality must be used all the way through that one class, but the next class could use a different quality. The different thing is the consistency within the class.

For instance, government might be divided by federal, state, county and municipal. Or Anglo-American law might be divided by its type of materials, the primary versus the secondary. And then these subdivisions could, in turn, be subdivided and those subdivisions subdivided on down until you get to the very smallest quality.

A few things have to be considered when you are subdividing. You must have a definite plan, as we have mentioned. You must have a particular quality by which you are dividing, which must be used consistently within each division, and it is always well, if possible, to show relationship between your classes or between your subdivisions; if it is possible, to show how one class developed out of another class, which in turn developed into another one, or some sort of development, some sort of plan such as we had for government, from the largest kind of government down to the smallest; and of course often it is just plain alphabetical.

Unfortunately, authors of books don't always write their books or edit them in a manner that fits into these classes well. For instance, what would you do with Clark's *Summary of American Law*? It has all kinds of subjects in it. And what would you do with reports where our main interest is form, or something like a case book? Because of these types of books, you will find that every book classification has had to add certain groups. They always will have a generalia class in which you put books which cover many subjects. Then you always have a class for those in which your main interest is the form, such as the reports. And then you always have common subdivisions that you may use in

any class for materials where your main interest is the method of treatment, such as case books.

As Mrs. Holbrook said, I was fortunate to audit this course in classification which is conducted by Miss Thelma Eaton of the University of Illinois Library School. I am sure many of you have encountered her name in cataloging articles and classification articles. In that course we went down through the history of all types, of both of these types of classes, the philosophical ones and also those for books, and because Mrs. Davies and I were both auditing the course they always emphasized law and we noticed all through the years, from the very beginning, that law was always a very important point. We know it is in any philosophy and because it was one of the first of the learned professions it was always a big department in a University.

And then as she also mentioned, from the very beginning there have been articles on classification. For years, all these articles on classification and cataloging were done by Mr. Wire, our own sort of Melville Dewey, because he had his own types, and he developed the classification scheme which became important enough so it was used as part of the colon classification, which was one of the bases that the Library of Congress used in setting up their classification scheme, and is still in use.

The students in this course examined all our law classifications as a sort of test of what they had learned about classification. I was a little unhappy at their results because I had thought that we had at least a few that were good, but they didn't really think any of them met any of the tests of what a classification for books consisted of. But of them all, they liked best the Schiller Classification.

As we have said, there are a large number of law library classifications. Miss Jennett found in her statistical survey that there were eighteen law school libraries using their own classification schemes but very few of these have been made available for other libraries to examine, and none of these which had variety have been found to be used by many libraries, although Hicks was found to be the most used one.

The various classifications seem to divide into three types of schemes: those dividing by legal system; at least one, Miss Benyon's, dividing between types of sources, the primary and secondary; and then those dividing by geographical range. The geographical type of division is used by the Los Angeles Bar Association and is the present arrangement of the Library of Congress. Mr. Stern is going to talk about the Los Angeles scheme and the Library of Congress one, we know at the moment, is not a permanent one.

Miss Benyon's scheme is the one really very detailed one which has been published so that everyone can see it. Because of its just two basic divisions, it has meant the notation course has been rather long because there wasn't a place to expand, and it always meant that a system of law such as Hindu law has had to find itself in the secondary part of it because it wouldn't fit otherwise. I think the main reason the law librarians haven't used this scheme very much is because

you have to know a great deal about the philosophy of classification to use it readily and there are really very few of us who have that sort of background.

Those divided by legal system have certain advantages. For instance, if a boundary of a country changes you don't have to do anything about changing your classification, or not very much, anyway. It has provisions for such systems of law as Mohammedan law that are found in many countries. They easily fit in. It is an arrangement that a law school certainly finds of use because the Anglo-Saxon law is very thoroughly separated out.

The Dabagh scheme, which you all know of, and the Ohio State University scheme have certain similarities. Their notation is quite similar, although they have constricted themselves quite a bit by trying to match up the letters used for the notation with a name for the class, which has become rather a difficult thing for terminology occasionally. Since I worked on the Ohio State scheme I was feeling rather proud of it, but the class was not very kind to us. They didn't feel that either one of these schemes really met any test. They didn't feel they were complete enough; they didn't feel that you could readily see the whole field of knowledge easily in them, and they didn't feel the subdivisions were consistent. In short, they felt they didn't meet the test of a true book classification.

The Cutter scheme has had no one to keep it up to date well so it has not kept up with the times and has become rather obsolete.

We don't know a great deal about the Schiller classification because few of us have ever seen the whole classification scheme, but it has excellent basic divisions and it has a very fine theory of notation, although it was felt, again, by this class that the use of the Dewey system as a subdivision confined the notations somewhat.

The Schiller classification is also very interesting in its flexibility because of the use of tables, again. This use of tables is a fairly new development in book classification. It was used in the Universal Decimal Classification and in the Bliss Classification, and then it reaches its highest development in the Ranganathan Colon Classification. This, again, is considered a rather difficult one to understand but it is mainly because Mr. Ranganathan has his own private terminology, but it is sort of an intriguing thing because it consists of lots of sets of tables and you fit these tables together to express the subject content of the book in much the same way that German words are strung together to express a new conception, a new idea.

The classifier, in analyzing the book to apply a notation system to it, looks for three primary things and the names of these things are Mr. Ranganathan's words. That is one of the reasons it is difficult. She looks for the phase, which is the subject matter of the book; for the facet, which is the approach the author brings to the book, perhaps an historical approach; and for the focus which is the part of the subject that the author has

stressed. Then she consults her tables and picks out the proper notations from each table and strings them together, using certain symbols to connect them. That is where the name of the classification comes because of the use of colons to connect together a train of characteristics.

The notation for this consists of letters and numbers and marks of punctuation, and even a few Greek letters, so it is not a very useful one to mumble to yourself as you go from the catalog out to the stacks. It is a little difficult and it has become so involved that it is working toward being a classification for documents, which must be a more detailed classification than that for books.

The notation is sometimes very, very long. One example is The History of Indian Statistical Studies of Surgery in Intestinal Disease, 1944, which runs to 16 digits; but if you look at it, you can see that it expresses every single word that was in the title, including the date. However, a book by a Mr. Wright on Agricultural Analysis is just three digits, one for Agriculture, one for the Analysis, and a colon to put them together.

I am describing this colon classification because it was suggested that this type of fitting together of tables might be the answer to our problem, because we need a classification scheme which is easily used by somebody who does not know a great deal about classification, and that was Mr. Ranganathan's basis in developing this scheme, that it was one that any cataloger could keep up to date herself and could use easily; and, also, we need a classification scheme that is very flexible. It must be one that a small library can use and also a very large library. It must also be one that can keep up to date with all the new subjects that law considers and all the new phases of law. This type of thing is a very flexible one that possibly could be used in that way.

This classification scheme, plus these other general ones and a lot of this background on what classification is, can all be found in Mr. Berwick Sayers' *Manual of Classification*. Mr. Sayers really carries classification far, too. He thinks you should even file your correspondence according to your classification scheme.

Mr. Ellinger, in his article in the *Library Quarterly* for April 1949 also discusses the colon classification, the law part of it, as well as our other law library schemes, and I refer you to that if you wish to know still more about them. (*Applause*)

CHAIRMAN HOLBROOK: In Southern California we look to the Los Angeles County Law Library as the fountainhead of all wisdom. If we don't have a book, they invariably have it. If we are trying to track something down and we are about to lose our minds doing it, we call them up and say, "Help us out," and they help us out. So when I was looking for panel members it seemed only natural that I should turn to the Los Angeles County Law Library where Dr. William B. Stern is the Foreign Law Librarian. While he is not a member of the Cataloging and Classification Committee, he is the one who really got us started on this classification project. It was he who made the motion for the resolution at the meeting

last year, and he has long been interested in classification. His own library is classified, so he will tell you about some of the practical aspects of classification. Dr. Stern!

MR. WILLIAM B. STERN: The fact that I recently was abroad at the request of a foreign government gave me occasion to visit quite a few foreign law libraries and I came back with the conviction that American libraries are certainly the best in the world. What gives this superior aspect to American libraries? Certain factors came to my mind which you simply don't find abroad or not developed as far abroad as here. American libraries are not museums; they are actually living organisms which in a democratic way enable people who don't have book collections on a grandiose scale of their own to study particular subjects. Libraries are institutions for education. Libraries, similarly, are institutions for research.

The vast development of the printed word has made it simply impossible for people to follow the old method of a scholar would buy books on a subject, would have in his whole library general subjects as well as specific subjects of his particular interest. Nowadays we have libraries for that purpose which should enable an author to know the great writing of the past as well as of the contemporary scene and to avoid duplication of effort at least to a large extent.

In addition to these two principles that a library is an institution for education and for research, we also have the feeling that a librarian is more than a caretaker of books which you find so frequently in foreign countries, that he really gives guidance to those who use the library, that he enables them to proceed with their study with a minimum of knowledge of the particular subject they are engaged in, with a minimum of restrictions of use of books and with a minimum of restrictions which would run counter to an inviting atmosphere in which he works.

Third and lastly, American librarians have learned how to apply technical devices in order to make the use of the library easier and to accomplish much with new employees.

Why do I mention all these things here in connection with classification? Because we do not want classification if it will not fit into that scheme, if it will not serve legal education in the field of law, if it will not serve research, if it will not serve as guidance to the library user, and if it is financially not advantageous.

Let us examine how classification fits into that scheme. We find, first of all, that large parts of the law are self-classifying. We know that authorities dealing with any number of subjects, let's say like the National Reporter System should come first. We know that should be followed, let us say, by the federal jurisdiction, that the federal jurisdiction should be followed in shelf arrangement and in our thinking by the authorities of state law and the law of the several territories. We also know and it is quite obvious to us that in the federal sphere there should be a division between the Constitution and statutes, with auxiliary materials like the constitutional convention and the legislative materials appended thereto,

and then the reports and then administrative materials.

We know these things, they are primary to us, and if we have a classification system it should, at most, provide a notation system for this natural classification of law.

So much for the treatment of primary authorities. They may be taken care of although there are problems such as outside reports, local materials and certain subject materials which we had better put together with other materials which are not primary materials and commonly referred to as secondary authorities, such as textbooks and encyclopaedias, wherever they may be. Here, first of all, we would want to arrange our collection with some degree of logic; we would have, first of all, the general secondary materials, such as encyclopaedic treatises, dictionaries, periodicals; we might arrange these groups by subject if the size of the collection requires, but we run now into more trouble when we try to find a subject arrangement for the various kinds of materials as they appear among the so-called secondary authorities in the library.

To arrange law by mutually exclusive logical subdivisions has been attempted for centuries. It has been attempted in the Middle Ages as a part of the history of natural law of theology. We don't approach the subject matter from that point of view. The common law would certainly not fit into such a scheme. What we try to do is to find out whether common law can somehow be arranged by subject, and we find that despite the historical development of the common law, we certainly can do so.

It is true, we will have, again, a large section of books like documents on American law, and into which we also put books dealing with a great number of subjects which by reason of their similarity we want to keep together, like the Restatements—in other words, a general class.

Then they may have broad subject subdivisions which then are subdivided into more detailed subdivisions. We, again, might want to deviate from this general rule and, for instance, put local textbooks dealing with a particular subject together with primary materials of that jurisdiction because of the use likely to be made of these books. We might say that you tie it to the library user; whether it is the librarian, whether it is the patron or whether it is the library employee who reshelves the books are decisive factors which should govern us in developing a classification and not the theoretical consideration of the developer of a classification scheme. So, we might say that our classification scheme should be one of logic tempered with utility.

We may have certain special considerations. We may want to separate superseded and historical materials from the current materials; separate frequently used materials for a reading room collection, for a research collection or a reference collection. We may use any of several color schemes in order to divide books in a particular class or sub-class alphabetically by author, so in mixing logic with utility we arrive at a different problem; that is, how to handle foreign

materials. Of course, this is a problem which does not become acute unless we have quite a few foreign books.

Obviously, we will want to separate such foreign books from the domestic books if we possibly can. To arrange books by language would not make much sense. Should we separate English books from the American books? We may be tempted to say that English law has the same basis as our law here and, therefore, we should keep the books together. However, historically speaking, English law has taken an entirely different development and there are plenty of instances abroad where at present they do not recognize the standards of law on which American law is based any longer.

The next question which might arise is, Should we arrange the foreign books by legal systems, such as civil law, Roman law, Mohammedan law, whatever it might be, or by the law of a country? We know that practically every country in the world has its own national system and that in addition thereto there are lots of books on different legal systems so, obviously, I would say we want to have a system in which the countries feel the law is arranged by country, but also next to it numbers which would fit books dealing with a particular subject of law. So we can go into such detail much further but probably time prohibits our doing so.

We might, however, mention that we might need a general foreign law section into which we put books of a comparative character or books dealing with the law of several countries.

In the preceding remarks I have used the word "naturally" or "obviously" quite frequently, and why? Because it is quite natural to do so. We want to follow the natural arrangement of books and if we need a classification it merely serves the purpose to a law librarian to put a book at a place where it can be found and where it can be put back with ease.

We have additional problems in the field of law, caused primarily by autonomous law libraries. Autonomous law libraries, let us say, are libraries which have a certain separate existence from any other, and I might say that any law library is autonomous to some extent in that respect. Where do we put books on medicine? The solution might be different depending on the size of the collection and the subject. We may want to have separate classes in our law collection for nonlegal materials, or we may want to put the nonlegal books together with the legal books, with a subject such as medicine, or we may want to have separate numbers close to those dealing with the related subject.

In other words, we want a classification scheme which is logical and inviting and we believe that such a classification system is already in existence. It happens to be that used at the Los Angeles County Law Library. We do not want to say that it is a system which gives you all the answers, which is a perfect classification scheme. On the contrary, we already have made numerous corrections and will doubtless make many more.

We only do know that the time used in research has diminished greatly; that the time used for the searching of books has diminished, both on the part of librarians and on

the part of patrons; that we have avoided duplicate acquisitions by knowing what our subject coverage is, and that the process shelving and reshelving has been so simplified that we can use unskilled labor for it and we can do shelf-weeding to such an extent that all of our Anglo-American collection, consisting of an open shelf collection of 75,000 volumes and more books in closed stacks, can be done partly daily, partly weekly, and at the most once every month. This, of course, is very important if you have full shelves.

We know that there are great errors or difficulties in our classification. A classification scheme can become so detailed that the decision between one or another class may become arbitrary or may require subject knowledge. Any classification scheme harbors the danger that the classification numbers or symbols become by far too long.

Now, when we say the Los Angeles County Library scheme, actually, it is not, for the reason that what we have done is that we have merely followed, adopted, generally adopted the recognized principles of classification; that we have adopted the same principle as used by the Library of Congress in many of its classification schemes, and that we have, page-by-page, followed much of the work done by Mrs. Benyon.

I think it would be entirely wrong to say that our classification scheme is purely a geographical scheme or one arranged according to legal systems, or whatnot. You will find that the figures of all of these systems are incorporated therein where it seems to be better. It would be wrong to assume that a dictionary catalog takes care of the problems for which you might have a classified collection. On the contrary, most of our patrons have learned to use this classified collection, even the occasional patrons, so well that many questions previously asked of reference librarians no longer need to be asked. On the other hand our dictionary catalog has not become obsolete. It serves different purposes.

It would be wrong to assume that every library has the same problems concerning classification. We are inclined to think that smaller and medium-sized law libraries—let's say libraries having up to ten thousand volumes of secondary materials, not including the primary authorities—will not need a classification; that that might be a waste of time, effort and money. But you have to remember that libraries are constantly growing. Other libraries may want to dispense with certain details of notation system and the very large law libraries, much larger than ours, would, we feel, find this system would be suited to them, too, although they may need in certain cases a more detailed notation.

So, we feel that any such system has to be intelligently adapted. We have to keep in mind the cost of the classification, which is not inconsiderable. Classification can be undertaken by any person who can do subject cataloging. Like any good subject cataloging, however, it should be done by a person who has a certain knowledge of law or under the supervision of a person who has legal knowledge or training.

What are the objections to classifi-

cation: first, what has been mentioned, the size of the collection may not require a classification; secondly, we may not be aware of the advantages offered by a classification; thirdly, we may not have the time or the personnel required for classification; and fourth, I must admit, is probably the fear of approaching a relatively new subject with all that it implies. But I would say that classification is just as important and difficult or easy as any other field of learning. Let us approach it with an open mind.

I don't think that we should judge a classification scheme by the number of times it has been used in a library. We must keep in mind why a system may not have been used. We may not have had the time. We may have encountered hostility to a classification scheme. On the other hand, it is extremely difficult, once we have adopted a classification scheme, to adopt another; it costs so much money.

So, I would say that the committee here, of which, as Frances Holbrook stated, I am not a member, would do very well to consider the classification schemes which have been used and see how well or how poorly they have worked, and proceed therefrom. I would say this, that if the committee would proceed on this basis, we would have a law classification soon rather than in the nebulous future, and we would have a classification which is practical rather than theoretical; one that is not distorted by the special needs of immensely large libraries, which are in the extreme minority, and not forgetful of the needs of the large majority of our law libraries.

Even this, even adapting a classification which has proved itself, correcting the errors, improving on it, involves an immense amount of work, and although it would be the easiest path for this committee to take, it would confront it with an enormous effort but one of great importance for the future of our law libraries. *(Applause)*

CHAIRMAN HOLBROOK: Thank you, Bill. Our next panelist is Dr. Werner B. Ellinger, Senior Subject Cataloger of Law in the Library of Congress. He has been working, he tells me, with considerable interruptions for the past four years on the development of the K classification. I know we are all interested in what the Library of Congress is doing about classification, what plans it has for its development. Dr. Ellinger will tell us what they are doing.

DR. WERNER ELLINGER: The history of the development of a law classification at the Library of Congress essentially goes back to the annual meeting of this Association in New York in 1948. At that time Dr. Luther H. Evans, who was then Librarian of Congress, addressed the Association and urged the appointment of a committee to cooperate with the Library of Congress in establishing principles and policies for the structure and scope of Class K, then to be begun.

Subsequently, such a committee was appointed with Bob Roalfe as Chairman, and Mrs. Benyon, Miss Campbell, Thomas Dabagh, Miss Forgeus, Julius Marke, Miles Price and Arthur Schiller as members. The committee did a very concentrated piece of work and on the basis of preliminary drafts,

met with representatives of the Library of Congress in joint session for two days in May of 1949. From this meeting resulted a preliminary report which established the structure and scope of Class K and which was presented at the Detroit meeting and adopted by the Association.

This report has since been the guiding document at the Library of Congress for the development of the preliminary schedules for Class K. Moreover, we had adopted the principles later incorporated in this report to our actual classifying practice as early as 1948; since that time we have no longer classified law books on special subjects in classes A to J and L to Z, in which numerous places are provided for legal topics, but we have had them all assigned to Law, so that they can be incorporated in Class K whenever Class K is completed.

A word should be said about various private attempts to supply the missing schedule for law. There are at least five schemes which are known to me: the scheme developed by Agnes Cuming for the University of Wales, which was published in 1914; that of Margaret Butterfield for the University of Rochester; and the scheme which the Bibliothèque Nationale in Paris developed for its classified catalog, which is arranged by the Library of Congress classification. There follows the Benyon scheme with its offshoot, the B-K scheme, (which I hasten to say does not stand for "Bulganin and Krushchev" but rather for "Benyon and Kenyon"). The latest scheme to come along that calls itself Class K is that of the Parliament Library at Ottawa which has just been published.

Of all of these, the Benyon scheme is the only one that offers a breakdown by subject matter. However, none of these schemes has been found to lend itself to integration with the schedules for use at the Library of Congress.

During the preliminary discussions of the Library of Congress committee the primary interest had been in the classification of foreign law. There are a number of reasons for starting with foreign law: First, the divisions of our own Law Library. Our Law Library found that the classification of foreign law is considerably more urgent for the effective control of its collections than the development of a scheme for Anglo-American law which the Library feels is under adequate control in its present shelf arrangement.

The second reason was essentially one that was presented by Miles O. Price in an article published in *College and Research Libraries* in 1941. In comparing the preëminence of treatises as research materials in foreign law with their relative unimportance in Anglo-American legal research, Mr. Price pointed out that Anglo-American law materials that would lend themselves to subject classification amount to only about one-twelfth of an average law library collection.

The third reason for our delay, if you wish to call it that, was the lack of a traditional or generally accepted method of presentation of American jurisprudence. As you know, there have been desutory discussions since the turn of the century on the development of a classification for Ameri-

can jurisprudence or a system of codification. There is a report of the American Bar Association of about 1900. One of the projects of the American Law Institute concerned itself with classification and there is a report by Roscoe Pound but, unfortunately, none of these attempts, including one made in 1935 by Charles Ulrich in the *Michigan Law Review* (which, by the way, is an excellent review of the attempts made, up to that date, of classification of jurisprudence), were fruitful. No result has come of any of these efforts.

Recent efforts at resuming this work within the Association of American Law Schools have, to my knowledge, not gone beyond the organizing stage. Abbot's arrangement of the *Century Digest*, widely used, is admittedly arbitrary and not suitable for a library classification scheme.

The final reason for developing a major civil law system first was that it could serve as a prototype for other Western law outside the common law, and also for modern adaptations of civil law in the Far East. We selected German law not only because its traditional arrangement has been widely adopted in other systems and jurisdictions, but also because our collections of German law are the most representative at the Library of Congress. They are twice as large as those of the next largest jurisdiction in our collections.

In addition to German law, which was developed in a very detailed manner, we have issued, without any preconceived plan or priority of sequence but rather as research materials became available, preliminary outlines on Roman law, the history of German Law, canon and ecclesiastical law. Together, these represent the major western legal systems outside the Anglo-American law and will cover most of our collections.

Some criticism has been raised by some of those who received our working papers that they present the subject matter in too great detail, and this is true. There are many topics which probably will not be represented in monographs but only in articles or in chapters of treatises. However, it has been found to be a considerable economy when one does basic research to record all the data gathered regardless of their immediate use, because it is easier to eliminate unneeded detail than to try to put it in later on in the proper place and do something over again which has been done before.

In addition to these four preliminary working papers, we have developed an actual working scheme for Chinese law, with a notation which is in use at the Law Library and by which, so far, two thousand titles in Chinese law have been classified. Priority was given to this project because of the establishment, by the Congress, of the Far Eastern Law Section in the Law Library, and the necessity of searching books in the vernacular, possibly by persons who are not familiar with the language.

Recently, demands have been growing for the development of a classification for Anglo-American law. At the Library of Congress the question thus arose whether we should develop the existing preliminary schemes to a point of refinement where they could

be applied when means became available or whether to add a theoretical preliminary outline for Anglo-American law. Personally, I felt that we should take the latter way, if for no other reason, because such a scheme is likely to help us discover unrecognized interrelationships between the two principal systems both as to internal structure and related terminology.

The administration approved my continuing earlier studies in this field. The result is a scheme for English law which is going to be issued within the next few weeks as Working Paper No. 6. Copies of a skeleton outline of this scheme will be found on this table; when the meeting is over you are welcome to pick one up.

Perhaps I should add a word about the problems encountered in developing a scheme for English or American law. I have already mentioned the lack of a traditional system of presentation of American law. There are two alternatives for law librarians: either to wait for scholars to come out with something acceptable and in the meantime to muddle along as we have done all too long; or else to do some pioneering in the field. In this case we have several possibilities: (1) we could develop a new and original idea with a very good chance for it to suffer the fate of the earlier attempts at classification by Terry, Pound and others, or else we could try to ram it down the throats of the users of the Library of Congress classification and of card subscribers. (2) The second possibility is to try to fit the literature of Anglo-American law into concepts of civil law. This has been done with a good measure of success by persons like Jenks, Schiller, and, to a certain extent, by the California Civil Code. It is not unfeasible but it would force the subject matter into a frame of reference which would hardly be suited to the needs of the American practitioner, because it would separate topics usually treated in the context of one another, and would link together topics which in general are not combined.

We have not tried either of these possibilities, nor have we permitted ourselves to take an easy escape into an arrangement by alphabetical subject headings as a means of classification. The inadequacy of alphabetical subject headings for classification has been pointed out so many times and is so well known that I need not go into the arguments on this question.

Instead, we have tried to derive a system from a number of representative treatises of English law, foremost, of course, Stephen's *Commentaries*, have sought a common denominator among various treaties and classification schemes of English law.

We have combined characteristic features in a manner which we believe is not only the most natural but also the most practicable for our purpose. Such eclecticism has worked very well in our schedules and we hope if this schedule turns out to be workable for English law, we may be able to use it as a basis that may fit the other branch of Anglo-American law, namely the law of the United States.

The difficulties of classifying American law should not be exaggerated. The problem is mainly one of classifying private law. Problems affecting

criminal law, procedural, constitutional, administrative law—most of them modern developments—are essentially the same for the law of any modern jurisdiction. The principles applying to one area are likely, *mutatis mutandis,* to fit another, regardless of whether it is part of the common-law or the civil-law orbit.

We were assisted by a number of individuals and have used a number of unpublished English classification schemes: that of the Bodleian Library for its law; that of the Institute of Advanced Legal Studies; the law scheme of the University of London. I should also mention an earlier scheme by von Rath, and the recent Anglo-American section prepared by Professor Lenhoff for the classification scheme of the Max-Planck Institute for comparative and international private law, now in Hamburg.

The principal outline of Working Paper No. 6 consists of fourteen major sections: General form divisions; History; General works on modern English law; Conflict of laws; Private law —the latter subdivided, of course, into the usual classes: Persons, Agency, Property (both real and personal), Trusts, Succession upon death, Contracts and commercial law, Quasi-contracts and restitution, Partnership and company law, Torts—Court organization and procedure; Criminal law; Criminal procedure; Military criminal law and procedure; Constitutional and administrative law (the latter including the law relating to regulation of industry, transportation, and other particular subjects in administrative law, in other words, many of the topics formerly dispersed through the various schedules of the Library of Congress classification). The eleventh major subject division is Public finance and taxation, followed by Military law, Ecclesiastical law, and the law of local jurisdictions.

If the scheme proves practicable, it may not be too difficult to shape a system for United States law along similar lines. However, we shall tread lightly where too many angels already have rushed in. Perhaps our undertaking will in the end turn to be one in which librarians have been, if not the leaders at least the pioneers in blazing a trail for learned jurists toward the systematization of their field of knowledge.

What value do we expect of such a scheme for other libraries? We expect as little value as we expected from our other schemes. The Library of Congress's services to other libraries are largely by-products of its own operations; we may only mention the card distribution, the L. C. List of Subject Headings, its classification schedules. I can see no reason why libraries using the Library of Congress classification should not benefit from the completion of Class K in the same manner in which they have benefited from other by-products of Library of Congress operations.

Thank you. *(Applause)*

CHAIRMAN HOLBROOK: Thank you, Werner. Our final panel member is J. Myron Jacobstein, Assistant Law Librarian at Columbia. He, too, is on the Cataloging and Classification Committee and he cooperated with Pauline Carleton on the preliminary working paper which we had, and which has been presented to the com-

mittee this year. He will discuss some general aspects of classification.

MR. J. MYRON JACOBSTEIN: The other panel members this afternoon have discussed the technical aspects of classification and the history of the development of law classification. I shall speak on some of the more general aspects of classification.

*Administrative Problems Arising from the Adoption of a Classification Scheme.* Before a classification scheme is adopted it should be realized that such an adoption will raise additional problems in the administration of a law library. I shall consider first the administrative changes that will arise in an unclassified library where the arrangement of books on the shelves is by form and without call numbers marked on the books.

The first consideration in such a library is that an adoption of a subject classification will result in increased operational costs. The initial expense, of course, will be for the classifying of the collection. The most expensive factor will in all probability be for personnel, for classification, correctly done, is difficult and technical and requires the highest degree of skill.

Classification should be done by one well versed in logic, the philosophy of classification, and with a substantial background in law. In addition to the intellectual problem, additional clerical assistants will be needed. Books will have to be marked with call numbers and rearranged on the shelves. Catalog cards will have to have call numbers added to them. It is also extremely doubtful if any classification scheme can be adopted without engaging simultaneously in an extensive recataloging project. However, the original cost of classifying will, in the long run, be a minor one. It may be compared to getting married in that it is not the original cost but the upkeep that hurts.

For, prior to the adoption of classification it was possible to catalog a new addition and send it on to the stacks. With classification, it will be necessary more closely to analyze the book, classify it, add the call number to it and then send it to the stacks. It will bear repeating again that it is not a simple process to classify, for to classify properly sufficient time and intelligence have to be applied or strange things may occur. My favorite example of what may happen when classification takes place without examining the book, or without a familiarity with the subject of the book, is the time I wandered into an army library at a post where I was stationed and saw Butler's "The Way of All Flesh" classified with the biology books. Unless care is taken you may be sure that unqualified classifiers will make the same type of error with law books.

Administratively speaking, then, the adoption of a classification scheme by an unclassified library will result in an initial outlay of capital and then an increased cost of operation. The processing of new material will become more complex and an increased demand will be made on the intellectual output of the staff.

For those libraries that are now classified in one manner or another the problems are more difficult as reclassification can be an expensive process. The subject is well covered in the

library literature and will not be repeated here. However, it may be well to point out that one library, the University of Tennessee, recently reclassified from the Dewey Decimal classification to the Library of Congress classification out of current operational funds.

Classification in many respects may create more administrative problems than it solves. This point is not raised to discourage classification but to bring out the fact that in any substantial increase in library service, additional administrative problems are created for the librarian.

*The Responsibilities of the AALL upon its Official Adoption and Sponsorship of a Law Library Classification.* I shall next talk on the responsibility that will fall on this Association if it adopts a classification scheme. The Committee on Cataloging and Classification was only this year charged with the responsibility of developing a classification scheme by the Executive Board. We may assume that careful consideration was given by the Board to this matter and that the Board expressed a widely felt need for classification among law librarians.

As has been pointed out today, there have been several proposals and schemes adopted by various libraries during the past fifty years of our history. I think the fact that these plans have failed to be adopted makes it fair to assume that they were not satisfactory to most law libraries, or else this committee would not have been called upon to develop a new plan. Six years ago there was a panel at the Detroit meeting of this Association exploring the idea of the Library of Congress providing law libraries with a classification scheme. It seems well accepted today that for one reason or another, the Library of Congress is unable to do so and this Association must assume that task.

I am also sure that the Executive Board was well aware that such a project is not an easy one and that considerable amount of time and effort will have to be expended by many members of this Association. I am confident that this committee will be able to carry out this task and will present a satisfactory subject classification for adoption by the Association. But before that time arrives we must remember that such an adoption will not conclude the matter.

As we all know, law is a living, changing, dynamic subject and, consequently, a law classification scheme will have to have the same characteristics. If a classification scheme had been adopted fifty years ago, it would be inadequate today for there are many books on subjects that were nonexistent then. I cite only as one example atomic energy law. Bibliographers always state that a bibliography is out of date as soon as it is published, and the same holds true for classification. Therefore, if this committee does develop an adequate classification and it is adopted by the AALL, we must assume a responsibility to develop means of keeping it current. The mechanics of doing so can be worked out at a later date; the determination to do so should be decided upon now.

*The Advantages and Disadvantages of Law Library Classification.* It may

be worthwhile here to pause for a moment and consider just why the law library should adopt a subject classification scheme. The reasons that I will advance have been given before at past meetings of this Association but I think it is necessary and worthwhile repeating them. Occupied as we all are with our daily tasks, it is easy to lose sight of what is, after all, the fundamental reason for the existence of law libraries.

Very briefly stated, law libraries exist so that lawyers and other users may find the information they need in solving their particular problem. Certainly, from a user's point of view it would be beneficial to have similar material grouped together and equally as important to have the relationship between these groups demonstrated. Is there really any logic in having Anson on *Contracts* separated by 5, 10 or 100,000 volumes from Williston? Or Ball on *Copyright* in a different place from the U. S. Copyright Cases? Or Mertens on *Federal Taxation* separated from the loose-leaf services on Taxation?

In addition to the convenience of having like material grouped together, subject classification performs the additional function of letting the user know what is available on any subject. I think all law librarians are well aware today that with the tremendous output of publications, even the expert is no longer familiar with all the publications in his field. The traditional answer by librarians for this situation is that the card catalog should perform the function of revealing the library's resources. But I maintain that our catalogs as presently constructed and organized are unable to do this. First, for whatever the reason, it is apparent that most users seem to have a psychological block against using the catalog and will go to all kinds of extremes to avoid using it. Secondly, our catalogs are becoming so technical that even librarians have trouble using them and at times it seems that only the cataloger can understand their operation.

I should also like to point out that a card catalog arranged in dictionary fashion cannot adequately reveal the library's resources. This is because in a dictionary catalog, which is almost universally used in this country, the subjects are arranged not by their relation to each other but by the mere chance of the alphabet. Let us take a concrete example. A user has a problem in the Law of Trusts. In an unclassified library, the only access to the library's holdings on this subject is by means of the subject headings in the card catalog.

The Library of Congress subject heading list uses Trust and Trustees as a heading. Here will be found all books dealing with the general law of trusts—old ones, new ones, one-volume works and multi-volume works. The LC subject heading list, under this heading, also indicates about fifteen "see also" references directing the user to related and more specific aspects of Trust and Trustees.

If the user is astute enough to follow through he has to search in fifteen different places to discover all of the library's holdings on this subject. He will find the related subjects of charitable trusts and the cy pres doctrine

separated from each other as well as constructive trusts separated from express trusts, et cetera, as the arrangement of the cards is by alphabet and there is no indication of the interrelationship of these subjects.

This inability of the subject catalog to substitute for shelf subject classification has been noted by no less an authority than Judge Vanderbilt, certainly not one we can accuse of lacking the techniques of doing research. He has said in his book, "Men and Measures of the Law":

> "No subject catalog, however, is sufficiently complete in its cross-references to satisfy the needs of the various kinds of researchers. . . . Under a subject classification, this defect of inaccessibility of material might be eliminated."

After all, a lawyer in his research of cases is accustomed to finding related cases grouped together in the digests and classified from the general to the more specific. It is for this reason that we are able to use form classification for so much of the primary sources.

I want to add here—and it should be too evident to take the time to point out, of course—that no classification scheme will be sufficient without an adequate subject catalog to be used in conjunction with it. The main advantage of classification is that the user of the library will, with exceptions, be able to observe the library's holdings without having the artificial barrier of a card catalog put between him and his books.

In discussing the disadvantages of classification the cost factors have already been commented on and I shall confine my remarks here to the disadvantages from the user's point of view. The most frequently raised objection is that the user will no longer be able to go directly to the stacks when he has a citation to an author. Many users insist that when they have a citation to, say, Tiffany they want to be able to go to the T's and find it there. This is a valid objection. But it is probably true that most users are interested not in where Tiffany on *Real Property* is shelved but, rather, what other books are there in the library on Real Property besides Tiffany.

Another serious disadvantage is that any classification scheme is bound to be artificial to a certain extent. Books are written that do not lend themselves to classification, and some are on more than one subject. Books are off the shelf for one reason or another and the user my be misled as to what the library actually has. However, classification is only a partial answer to subject analysis and the question that has to be answered is, How much material will be revealed and how much remain unrevealed in a good classification scheme?

*The Advantages of Classification to the Mechanization of Law.* The next aspect that I wish to discuss is the possibility of using classification in connection with scientific devices for literature searching. We heard on Monday some distinguished speakers tell us what effects the recent advancement of machines and electronics may have for the organization of legal materials. We also saw some practical demonstrations of these new devices.

I will not comment here on the incongruity of discussing on Monday the possibilities of utilizing electronic computing machinery and on Wednesday discussing classification, a phase of library science that other librarians went through fifty to seventy-five years ago. But perhaps this delay may turn into our ultimate benefit. All experts on machine literature searching point out that the machinery is now available for bibliographic searching but the literature is not organized for the utilization of such machines; and that the classifications already developed are not adaptable for the machine literature searching.

They also point out that before these new aids can be utilized it will require the reorganization of bibliographic information into a form that can be used by machines. What is needed is a machine-language. We now starting on our classification can perhaps develop it with the view that within our lifetime machines may be doing most of our bibliographic work. Certainly if we do not investigate the possibilities and take advantage of them wherever feasible we will have a lot to account for to the next generation of law librarians. The opportunity to develop our classification to take maximum benefit of these aids is an advantage that we now have over many other disciplines.

*Classed Catalogs.* The last topic that I shall touch upon will be the classed catalog. In this form, the catalog cards are arranged, not by alphabet but by the class numbers of a classification scheme. It is similar to a shelf list with the very important difference that as many cards are placed in the catalog as are needed to represent all the various subject aspects of the books. The classed catalog is an old idea, but one seldom used in this country. There has been, however, an increasing interest in its possibility as a powerful tool for the analysis of subject content. An excellent discussion on classed catalogs appears in "The Subject Analysis of Library Materials" edited by Maurice F. Tauber. There is a forthcoming book on it by Dean Shera and Professor Eagen of the Western Reserve Library School.

A classed catalog may offer a solution to some of the serious criticisms leveled against library classification. As has been pointed out, a classification used as a shelf arrangement is limited by the fact that most books cover more than one subject and yet each book has to be shelved only in one place. It is also difficult to fit books into a theoretical and logical classification of knowledge. Book classification must be linear by its nature, while an adequate classification of a subject should be multi-dimensional. The classed catalog offers one means of escaping this dilemma. As Shera and Eagen point out:

> ". . . if classification is used as a tool for the systematic description of the book content, and if classification is multi-dimensional in the sense that discrete classes are provided for the entire range of each approach to the field, then the classified catalog can bring together in one place references to every significant treatment of any topic,

regardless of the physical composition or location of the book."

In short, then, a classed catalog can free the librarian of worry about location and let him concentrate on subject analysis. It will also avoid the use of alphabetical subject headings with the resultant artificial separation of related subjects and do away with that bane of the user of a card catalog, the "see also" reference. The classed catalog may also provide a solution to the library that has a workable shelf arrangement of its collection. Such a library could continue its established method of shelving and by adopting a classed catalog make available the many advantages of subject classification to its users.

I will close with the thought that we are perhaps at the point of no return for classification. Recent surveys indicate that the majority of law libraries are not classified. If we fail now, many of these libraries will be forced to adopt some method of classification and anarchy will continue in law library classification and the AALL will lose its opportunity for leadership in this field. I end with the fervent hope that a panel on law classification will not be necessary when the AALL meets to celebrate its 75th anniversary. *(Applause)*

CHAIRMAN HOLBROOK: Thank you, Myron. Do we have all of the questions that you have? We have several up here.

MR. GARDNER: We have more than our time will allow.

CHAIRMAN HOLBROOK: "I believe many of us who are amateurs would appreciate a short differentiation and explanation of the relation between descriptive cataloging, classification and subject headings." Would you like to answer that, Pauline?

MISS CARLETON: This is all very elementary and you are, theoretically, supposed to have learned it in library school. Descriptive cataloging is describing the book, as it says. It is giving the author and the title and the number of pages (if you feel that is important), and who published the book and the date of publication, and then any bibliographic notes or such items that you feel are necessary to identify the book, the physical book itself.

Classification—I hope I explained a bit what it is—is also a means of locating the book on the shelf, and is usually added to the basic part of the descriptive catalog card. You add to that card so that you know that this book described is located in such-and-such a place.

The subject headings are to describe in a word terminology all the various subjects that are contained in the book. They in some ways express the classification in words, is perhaps what it amounts to, so that you can find it from looking for the phrase or the word that you think of, and then finding your descriptive cataloging so that you know what the book looks like and who wrote it, and then the classification to tell you where it is.

CHAIRMAN HOLBROOK: I have several questions here addressed to Mr. Stern. "To secure successful use of a classified law collection, would you not recommend that an open shelf arrangement must complement it?"

MR. STERN: Let us say that if you

have books classed you can easily have an open shelf arrangement where it is for other reasons desirable to have it; but it is not even necessary nor under certain circumstances desirable to have certain classified material on open shelves. I think that those are two separate problems, although if you have open shelves you would find it much easier to keep the books in order if you have them in classified arrangement.

"How do you treat the nonlegal works which are of value in legal research, particularly materials in the social sciences?"

I believe I indicated there are different ways of doing so. One is to have numbers which are not part of the classification scheme. This is a solution which, in retrospect, we do not consider advisable. Another solution is that you class your nonlegal materials with the related legal materials. A third solution is that with regard to social sciences, you have separate numbers included in your K classification scheme. If you look through our scheme you will find we have done so. We have subdivided social science materials to the extent to which it was necessary considering the size of our collection.

The third one is really a comment and not a question. It says, "I cannot agree with you that all English legal texts should be classified apart from the American text on the same subject. Despite variances in development, the American researcher can quickly note where English law differs from the American."

MR. JULIUS MARKE: No, you didn't read it all. I said I cannot agree with you that English legal texts should be classed separately from American legal texts on the same subject. As we all know, there are many comments in the English texts on American law, particularly on American cases. In addition to that, you have American statutes being considered by English authorities. I recognize that there are many places where English law has developed separately from American law, but the American researcher can quickly ascertain that, but I think we have more to gain by keeping all these English and American texts together on the same subject in any classification scheme.

MR. STERN: That is a view which is shared by many and you just have to make up your mind how you want to do it. You will run into considerable trouble if you adopt Marke's view when you have many books dealing with the present English law, in addition to historical English materials. For that reason, we did not follow this view. However, that is one of those problems which the committee has to investigate.

CHAIRMAN HOLBROOK: Mr. Price would like to comment on LC versus any other classification. I think we all agree Mr. Price's comments on this would be a fitting close, and if those who have sent up questions will see the members of the panel individually through the remainder of our Association meeting, let's give the time to Mr. Price for his comment. I know we all want to hear it. *(Applause)*

MR. PRICE: One disagrees with Bill Stern with great reluctance and with extreme terror. I say that because we all recognize Bill's scholarship, his

competency. I do, however, happen to disagree on one very important and fundamental aspect of classification. I don't like to throw my extreme antiquity into your faces, or the fact that I have been in a dozen different kinds of libraries, using as many different kinds of classification, but it has given me, I think, a certain appreciation of what our Professor Patterson calls "bear traps."

I shall address myself not to the utility of Benyon as opposed to any other classification, but to this fact: In my opinion, there should be a uniform classification adopted so that you can go into a library in Los Angeles, Cleveland, Washington, or wherever, and find your way around, be able to do research. The Library of Congress is recognized as the fountainhead perhaps not of wisdom but at least of uniform practice in this country. In my opinion, before we go ahead with a law library association classification we should find out from the Library of Congress what the prospects are that the K classification will be developed and if that would be done any time within the next fifteen years, which is a short time (maybe not to you but to me), then we should lay off of our classification.

There are many reasons why I say that. I have written some of them down while I listened to Bill's very able dissertation.

Uniformity. I have suffered under home-made classifications in various libraries and they shouldn't happen to a dog! Classification in its various aspects, including the main divisions, the mnemonic, the form divisions and all that stuff, is no job for an amateur. They are jobs for people who know their business, who have time to apply it and to do it properly.

Any classification devised by the Library of Congress would have expertness. They would be used by more than one library. They would not be started today and five years from now dropped because the people had lost interest, the ones who were behind it had dropped out. Even the Los Angeles County Law Library might be subject to this—that the librarian came in and didn't give a care about classification in particular and he didn't have the proper personnel, with the result, as Myron said, that you have a good classification today but ten years from now what have you?

Another aspect of it—and don't overlook the importance of this—is call numbers on cards. That has been so important that in the Dewey Classification there was established a long time ago a special paid outfit in the Library of Congress to put Dewey class numbers on. Any library with twenty thousand volumes is not going to accept in toto the Library of Congress classification. However, it can be modified very easily.

I have seen a librarian go down to X law library and be all hepped up about library classification, start a library classification; then someone else comes in who doesn't know what it is all about and the whole darned thing is dropped and you have an unholy mess which does no credit to the library profession at all. It is the ease of application of a made-to-order classification, which is kept up by experts year in and year out, that is the important thing, so that if Myron's

atomic energy comes in or anything else, the LC will take care of it and will take care of it expertly. We have no assurance that our outfit has the competence, the money and the assiduity to do it.

The fact that the LC classification is complex is known to all. It was made for an enormous library. I point out that it is a very simple matter to take a complex classification and cut the guts out of it, retaining the major parts of it, and then get down to what you need for your own library.

I have some other things down here but I am sure I have used up my five minutes or more, but my point is just this: Let's find out first. You have a highly competent, expert, well-paid outfit whose job it is to make classifications, to do them right and keep them up to date, and none of this stuff which is going to be very energetic today and nothing tomorrow. They can make a classification which can be adopted uniformly throughout the country, with necessary modifications, an outfit which would put its call numbers on cards but would not necessarily be exactly the ones that you would use, but which would be very nearly so, and I think before we go into the enormous expense and responsibility of adopting our own classification we should take a long, long look at what the LC is going to do within the next fifteen years. *(Applause)*

CHAIRMAN HOLBROOK: Thank you, Mr. Price. Bill Stern would like to answer you and he says he will do it in one sentence.

MR. STERN: I think all of us fully agree that we want to have a classification system with local adaptations that would be the same all over, and that we would like very much to have the Library of Congress do that, much rather than that we undertake our own effort. However, we have got into the matter in the past and we are afraid that the Library of Congress scheme is suited only for an extremely large library and would not fit the needs of the vast majority of American law libraries. With all due respect to Miles, I believe we can have assurance that our members have the competency and the assiduity to draw up a scheme, not by creating an entirely new one but by using whatever good there may have been created already in the past, and we do not have to be afraid that these efforts will turn out to be wrong or superseded within ten years.

MR. GARDNER: Thank you, Bill Stern, Werner Ellinger, Frances Karr Holbrook, Pauline Carleton and Myron Jacobstein. It is this typical effort of the pooling of our thinking for the benefit of all that has been so beneficial in the past. Thank you all and I hope you have enjoyed the discussion. *(Applause)*

*President Moreland resumed the chair.*

PRESIDENT MORELAND: Bill Stern asked me to announce that anyone actively interested in classification can obtain a copy of the Los Angeles County classification scheme by writing to Forrest. He tells me the number is very limited and, therefore, only those who are really interested in classification and its development should write at this time.

I am now about to turn the pro-

gram over to a group of people who are going to discuss a subject which is somewhat hidden but is not entirely obscured by the title, "The Case of the Librarian v. the Publisher," and the learned judge who will be in charge of the proceedings is Eugene Wypyski of the New York City Corporation Counsel's Office.

## THE CASE OF THE LIBRARIAN v. THE PUBLISHER—A PANEL

THE PRESIDING JUDGE: Thank you, Mr. Moreland. If you people think it is hot down there, you should be up here.

Our discussion this afternoon, as Mr. Moreland pointed out, will be the case of the librarian against the publisher, and you can believe me, I am extremely pleased to be in a neutral position on this question.

The questions and issues which will be raised in this controversy are not entirely new. Most librarians, I think, at one time or another have expressed either privately or publicly certain criticisms of publishers' practices, and I have no doubt that publishers have been critical at times of some of our library practices. This afternoon we intend to put the case before you and we hope that by airing the various complaints on both sides, we will become better aware of each other's problems.

In introduction, however, I wish to state that two issues, controversial issues though they may be, will not be discussed by the panel. The panel probably will be criticized for not discussing them, but that was our decision. I refer to duplication and high prices. We are conscious of both problems. We realize that much has been said about both problems. I can remember an article appearing in the *Law Library Journal* as far back as 1922 discussing the problem of duplication and high prices, but we feel that it will not be a question that should be discussed from the floor at this time.

In the area of high prices and high costs, however, I wish to comment about an interim report which was submitted by the Committee on Costs and Budgets of the Law Library Association of Greater New York, which is a chapter of our own national group. The committee was headed by Vincent Fiordalisi and consisted of Mrs. Lucy Jerome, Mrs. Margaret Howell, and Mr. Jacob Wexler. The objective of this particular survey was to determine how costs have increased for budgetary purposes rather than as a critical library-publisher survey.

The committee used as the basis of its survey the list of twenty thousand volumes suggested by the Association of American Law Schools. Typical of the findings of the committee are as follows (again, I must remind you that this report was produced for budgetary analysis only): We found that over a period of four years, the cost of pocket parts increased 43.6 percent. Typical year's cost increased in a period of three years 27.9 percent. Textbooks, both new and books that were published within the last ten years but are considered new volumes at the present time, increased 25.6 percent. There are many other breakdowns of various phases of the survey. However, the conclusion was that costs

generally increased 29 percent over the last five-year period.

We hope that the complete survey and results will be published in the near future and I think it will be of extreme advantage to all of us who have budgetary problems.

You will notice that one member of one of our groups, one of our witnesses, is missing today, and that is Mr. Ryder from the Edward Thompson Company. Unfortunately, he was taken ill yesterday and will not appear today.

Following the practice of the last discussion, we will save our questions until the end. You won't have to write them down. I can see our publishing fraternity is well represented in the audience.

Our first speaker will be Mr. Ernest Breuer, Law Librarian of the New York State Law Library.

MR. ERNEST BREUER: When Gene asked me to be a member of this panel and he told me what it was all about, I thought at first that the panel opposites would have a choice of knives, swords or pistols. I am very happy, however, that we did not have to resort to such dangerous extremes.

Parenthetically, I might add that I feel like the proverbial parent who is about to spank his child, the child in this case being the law book publisher. After all, they come here, we accept their hospitality, most of us will take their drinks, and then we turn around and do this to them—but just like the spanking, it is absolutely necessary so that there will be harmony in the family. And after it is all over I am sure that the publishers will accept our constructive criticisms in the spirit in which they are offered, but by the same token I hope that the publishers will bare their gripes so that greater cooperation can result in the publication, sale and distribution of legal material.

Now, may it please my lord, Distinguished Adversary, Distinguished Colleague, Ladies and Gentlemen of the Jury (and incidentally, this jury is packed—and I mean packed): The case of the Law Librarian v. the Law Book Publishers.

The problem of the practices of law book publishers and dealers as they affect law libraries is not new. Many facets of this problem have been discussed at annual meetings of AALL from time to time. A search through the *Law Library Journal* reveals that since 1922 this problem has been considered no less than fifteen times. Some of the topics have been:

> In 1922—Present problems of law book publishers.
>
> 1935—Panel on duplication of law books.
>
> 1940—Report of a committee on cooperation with the American Bar Association on law reporting and duplication of law books.

And 1941 is really interesting. In 1941 the *Law Library Journal* published a book review of a Master of Arts Thesis in Library Science (Vol. 34, pp. 27-46) by George B. Brown, University of Illinois, 77 pages, entitled, "The Practices of Law Publishers as They Affect Law Libraries." The purpose of his research was to ascertain "what are the methods used by the law book publishers that complicate or hinder the selection and

purchase of law books by law libraries?" For example, duplication, high cost, low discounts, padding, poor editorial work, numerous editions, et cetera. Also discussed was the point of view and problems of the publishers as they point up "the lack of book selection know-how on part of law librarians." Incidentally, if you want further information, this book had a good review by our own Harry Bitner.

Part of this thesis, the chapter on Book Selection, is reproduced at LLJ 34:46.

In 1950 a panel discussion was devoted exclusively to Loose Leaf Services, where the panel considered:

1. Cost getting prohibitive;
2. Contains material duplicated in other sources;
3. Elimination of duplication by merging similar services;
4. Reduction of cost to law libraries;
5. Unwieldy to use because they have become too complicated;
6. Begins as one or two volumes and is soon expanded to a multivolume, high-cost set;
7. High pressure tactics of some salesmen;
8. Difficulty in filing; many volumes are overfilled.

In 1951 there was a panel on law book dealers as they relate to law libraries.

As late as 1955, last year, in a panel, "As Others See Us," a candid look was taken at law librarians by a law book dealer, "I am a camera" Rothman, who pointed up some of the shortcomings of law librarians by looking at the other side of the coin.

Before I searched through the *Law Library Journals,* I jotted down a few ideas of my own. It is amazing how astute some of our colleagues of days gone by were, for you will note that most of these problems had already been thought of.

My distinguished colleague, Mr. Charpentier, will discuss some of the aspects of the problems posed to this panel. My discussion will be on advertising, accurate information by law book publishers and dealers, and miscellaneous practices which are annoying and time-consuming.

Under advertising, only in outline form, I will give you some of the problems that can be raised:

1. Dealers sending out announcements of new law books without mentioning the name of the publisher.

2. Reprints palmed off either as original editions or as new editions because of later imprint date.

3. New editions may have nothing more than a few added footnote references.

4. New work by a new author. No information is given as to who the author is or what he is. How can you evaluate a book like that?

I want to read you just one short item in the proceedings in the *Law Library Journal* of the 35th Annual Convention. It so happens that my predecessor, Miss Lyon, was Chairman at that time, and she said:

> "I am very glad you have brought up that point, Mr. James, because I have been tripped up more than once over that and it is very embarrassing to have the publisher from whom you order tell you that you

already have the book in your library. You may have ordered it five or six years ago, and not being able to keep everything in mind, along comes a perfectly new folder, with no date whatsoever, no indication of what edition it is, and you think it is something new and order it.

"That brings up also the question of advertising. A work comes out in two volumes and you buy the two volumes, and the second volume may be confined to some particular subject. Several months afterward along comes a notice from the book publisher which really refers to the second volume but the notice is formed as if the book were something entirely new—you not knowing at all that it is the second volume of the work you already have. I was tripped up on that not long ago.

"I do not think it is quite fair, frankly, to issue these—I call them —misleading advertisements. I think all the advertisements should be very specific and give us the date and the edition and save the law library from embarrassment. I do not like to have the publisher tell me I do not know what I am talking about and that I have already ordered the book."

Believe it or not, when I entered this profession the first mistake I made was ordering a new set of Wigmore on *Evidence* because the blurb I got said it was a brand new edition, and I ordered it. (P.S. They took it back without a word.)

5. Second-hand lists; incomplete information on date, volumes, edition, full name of author, careless spelling of author's names or titles; incomplete title given or one word misleading. It may be another work by the same author.

6. Item offered—no mention made that it is a government document. You may already have it in your documents collection.

And here is the payoff: in the Golden Jubilee issue of the *Law Library Journal* you will find an ad offering three books:

1. Background of administrative law—author not given but from excerpt of review you discover it is by Carrow. No date is given but the review is dated 1948, so you have some approximation. If you investigate this by spending enough time on it, you will find that you already have the book if you have already bought it. Otherwise, you don't know what it is all about.

2. Investigation of Negligence Cases Simplified—$5.00—no date, no author, no paging.

Research: 1949, by Stevenson, 116 pages.

3. Understanding of Contracts, Simplified—$5—no author, no date, no paging.

Spend enough time on research and you will find it is 124 pages, it is by Gabriel, and it is 1950.

Both the second and third items required extensive research to discover author, date and paging. If you are willing to do that, then, of course, you will find out whether you have the book or not.

Here I would like to comment that the editors of the *Law Library Journal* could perform a distinct service by

suggesting to the publisher that the advertisement is incomplete and suggesting correct texts so that the readers of the *Journal* will get the full benefit of knowing what they are about to buy.

The second category is accurate information. Some of the items mentioned under advertising also may come under this heading.

1. "1955 pocket parts"—does this mean "to be used in 1955"? Does any one know? Is it published in 1955 covering 1954? Is it published in '55, from material for '55? I don't know. Does any one know?

This fault is carried on into our own checklist in the *Journal* and should be corrected. The year of the pocket part should be given for coverage and not of publication.

2. Poor indexing and no table of cases in some treatises. No glossary of terms used; no table of abbreviations or citations given; no preface information for "how to use this book" when it is necessary because of the unusual or special arrangement of material.

3. Reports. When a "New Series" comes out, it would help the law librarian and the cataloger to know the number of the last volume in the old series. Incidentally, in the forthcoming issue of the *Journal* you will find that for New York we have indicated what the closeouts of the old series of New York Reports are and what volume the second series will begin with.

Similarly, when a series changes, this should be brought up. I am now referring to the Judicial Council which was legislated out of existence in the State of New York and is followed by the Judicial Conference. I am sure all of you who are not in New York are anxious to know what the story is on that. We have two different things. What is the relationship between the Judicial Council and the Judicial Conference? Sure, it is simple if you happen to be in the jurisdiction, but I think it is a great service, either on the part of the publishers or on the part of the *Law Library Journal* that they have this Checklist to let you know what the information is, and I am glad to say Mrs. Holbrook will include that information also in the Checklist.

4. Dealers offering individual trials. No identification that it is taken from a collected trial volume. You may already have it in your collection of collected trials. For example, the Trial of Seven Bishops; unless in your collected trials you catalog each individual trial in that book, you will not know that you already have it.

5. No statement given whether text is in English translation or foreign text. A lot of us know that some of us will not buy a foreign law book unless it is an English translation.

Under Miscellaneous Practices, I would list the following:

1. Treatise of one or more volumes published with the assurance of supplementation by pocket parts. Five or ten years ago by and still no pocket parts. You ask the publisher and he replies, "No new edition nor supplement contemplated."

2. Price differentials—for example, the recent New Hampshire Statutes. That is what Gene was talking about. The In-State Out-State Committee, a committee chaired by Edith Hary, has

a report on that and it will be read tomorrow.

In regard to in-state out-state pricing, I would like to mention this. It is not generally known. Those of you who received the New York Reports on exchange from the State Library, until the recent contract was negotiated by the State Reporter, had some difficulty. Now under the new contract we get it for about $2 less than the general public. Before that, much to our surprise, we got a bill for $25,000 which they claimed the State Library is responsible for, because we had to pay twice what you could have bought the New York Reports for, simply as a means of subsidizing the Williams Press.

3. You have a continuing order with a publisher. They don't have to sell you, yet you do not receive the pocket parts, recompiled volumes which you find listed on checklists, so you write to them. No answer.

4. Bound supplements. The bound supplements on each topic will list hundreds of citations of cases without annotations. These are meaningless unless you read every case to get the facts.

Miss Sterling, my assistant, has written me a letter calling my attention to the following, which may be of general interest:

> "The following item is taken from *Library Journal,* June 15, 1956, p. 1600-01 (that is not our *Journal):*
>
> 'John Fall, Joseph Groesbeck, James J. Heslin and Richard S. Wormser have been chosen by the American Library Association Board on Acquisition of Library Materials to serve on a committee to draft a "Code of Fair Practices for Book Dealers and Librarians." Approvals, locates, returns, clarity of instructions, multiple invoices, auction buying, appraisals, discounts, and the sale of library duplicates have been suggested for consideration. The committee would like to have comments from librarians and dealers on these and other subjects which should be investigated. Write to John Fall, chairman of the new committee, at the New York Public Library, Fifth Avenue and 42nd Street, New York 18.'
>
> "This reminds me of the trouble the Order Section has with publishers' —or dealers' invoices. Every month or so Mary Felix comes up to the Law Librarian and presumably to the other sections of the State Library with a handful of invoices, each of which lists publications that can't be identified without special research. The only one that comes to mind is a recent invoice listing 'Bender's New York Practice.' We, of course, in the Law Library, could identify it readily enough as the work of Oscar L. Warren, but in the meantime the Order Section has spent fruitless effort searching their records under Bender. It would help them, too, I think, if publishers would specify whether supplements are bound volumes or pocket parts."

My only thought left is that I think this Association should consider whether they want to ally with this other organization that has been formed and

do anything about it jointly. Thank you. *(Applause)*

THE PRESIDING JUDGE, MR. WYPYSKI: Thank you, Mr. Breuer. Now, the next witness for the librarians is Mr. Arthur Charpentier of the Association of the Bar of the City of New York.

MR. ARTHUR CHARPENTIER: Mr. Wypyski, fellow members, dear friends of the publishing profession. After Ernie you wouldn't think there would be more, but there is. The first thing I am going to talk about is what I call padding the volume or stuffing the Strasberg goose.

Now, I think you fellows corral an author and then you get yourself a format and you say, "This thing is going to be 300 pages." He may say, "I am good for 200 but that last hundred is kind of tough," so then you suddenly discover appendices and footnotes, and you load them in.

So, I think that a legitimate criticism of some books is the fact that they are loaded with junk. They are loaded with material which is easily available from extraneous sources unless you are so far back from civilization that you may need it all in one volume. I take it that those cases are relatively rare.

They are loaded with footnotes which quote liberally from material which is readily at hand so I think, therefore, that one of the ills of certain types of publications is that they might well eliminate some of this collateral matter upon which they claim some of their fame rests.

Another way of inflating a book is in its physical composition. When I prepared this, I took a set and I got out a ruler and I went to work, and I could be altogether wrong but I don't think so. I could be partially wrong, and I probably am, but I did notice this: The gutter as opposed to the outside margin of a book ought to be roughly half the outside margin or, to put it the other way, the outside margin should be half the width of the gutter and it very rarely is. You could get enough printing in if you did that, but I found that in this set you had maintained an outside margin that was excessive. It was a little over an inch as against less than ¾ inch for the inside or gutter margin.

I also found another cute stunt in the so-called thumb room at the bottom of the page, which is the lower margin. The top margin is ¾ to 1 inch, which is long but might pass, the bottom was 1½ inch, which is too long. There isn't a human being in the world with a thumb that big.

We had 7½ inches of printing on that page that could just as well have been 8. Is this significant? Well, I think it is, because that was a 28-volume set and the yardage that you can run up with ½ inch a page is impressive.

Another device which I discovered was in listing a small citation section separately all by itself. In most cases the entry was about as long as the end of my little finger and could just as well have been put in another place —it would have been clearly readable, been easily discernible by the most obtuse reader, and we only engage in the most intelligent activity in our librarian service and our clientele, likewise. They could have gotten it. That would have saved half an inch a page.

Over this 28-volume set, you take these half inches and you add them up and then you cut them in half just to provide a little reasonable area, and you have saved four complete volumes.

There would, of course, probably be a small added cost per volume because of this matter being put into the remaining volumes. It would compress it a little bit, and so on, but surely the added cost per volume would by no means approximate the added cost of the four volumes.

Also, it would save us shelf space. I figured out if we did that for three-quarters of the digests in our library, we would have a string of books 50 feet long that we had saved, and that is a considerable item. Therefore, I think that publishers ought to look with a wary eye at the composition of their books. They may be typographically beautiful but they could be typographically just as acceptable and be shorter.

Now, the next item on which I am talking is the whole process of putting a book together, and I think one of the criticisms which you will hear about from Homer Stringham in Washington is this business of putting together statutes in loose-leaf form, which makes their preservation more than slightly difficult. In the beginning, of course, you have that problem of what kind of binder to use. You will hear more about that later.

I would like to say something about the quality of binding and the quality of paper. I don't believe that you can chisel too much on either. The binding, if it is poor, means a rebinding job. It is not saving us money and I think most of us realize that and I, for one, would much rather pay 50 cents more for a book, given a good as against a poor binding, than I would to run into a $2 binding job a year or so later; so I think that a poor binding is false economy.

The same may be said in large measure of poor paper and its use. I don't believe the point need be labored.

Another thing, in putting the book together, is, Why don't you leave room for pocket parts? This is an old one. I have heard it discussed many times and I am still conscious of the fact that there isn't enough room for them, and while we are on pocket parts let's say a word about the construction of them, the two-staple and the four-staple school of thought. It is a source of constant amazement to me the way some of these things are slapped together today and the way they "unslap" in a great big rush. I think you could, with profit, look to some method of putting together pocket parts so that they would last a little longer. I might suggest you run the cardboard flap all the way around and staple it on two sides—you would still only be using two staples and I think it would work a little better. I think that is a criticism of a good many of the types of material which are widely used.

Another thing, and this is merely a suggestion, it is not a criticism but I think it would be of help to many libraries if you would put the author's name on the top of the spine, because many of us classify and shelve our material by the author's name. I don't see any real objection to it unless artis-

tically, it is bad, and if it is I don't give a hoot.

Now we come to the third item, which is our dear old friend, the multi-volume sets, and these are pips. One of these is announced, 422 volumes to be published. When? You never know. I don't think anybody knows when a big set is really going to come out. Once in a while, sure, but I think that this is a publisher's problem and I know that, but I think it would help a lot if you could make the best guess that you could based upon the best available evidence and give some kind of a completion date for the sets that you publish. It would help a lot.

Another aggravator in the multi-volume set is the business of publishing Volume 9 before Volume 4 hits the road. I realize, again, that this is a publisher's problem but I think it is one that you ought to think about because it certainly is a librarian's problem, particularly when Mr. Reader, who has some money riding upon what he does, comes up and says, "What I want is in Volume 4," then you spend an hour and a quarter convincing him you aren't the world's greatest imbecile. It really hasn't been published. So, I think for the orderliness of your business, if you could, we would love to have books put out in the sequence by which they are supposed to be put out—1, 2, 3, 4, 5. I think that would be fine.

Now, the number of volumes is sometimes a matter of some moment in a multi-volume set. I am sure that you have had the experience of saying, "Well, now, this is a fine thing and I would like to buy these but how many volumes are there?" And the particular person that is talking to you says, "That is easy, [gesturing]," and you are going to be sure to buy them. Come on, kids! We have to know more than that.

You have a cost per volume. Let's see if you can't pin this down just a little better. I realize, again, it is a problem that you have to face but I think maybe you ought to be aware that we face it, too.

And now I wish to speak of "here again and gone tomorrow," the lifetime edition, and a permanent edition. Now, will you please stop using these fake names? A lifetime edition! If we all live so long we would have a completely new membership about every six months, I think. They just aren't lifetime. They never are permanent, so don't use those tricks. I don't like them. Call an edition an edition, the fifth, the sixth, the seventh, but let's not go into this lifetime stuff. I don't think it is nice.

Occasionally in publishing a multi-volume set you get a tremendous changeover. It is inevitable. We know that. Legislatures don't act right, and so on, and you get replacement volumes here, recompiled volumes there, pocket parts over here. You could do us a favor if, when you get all of these changes and you finally get them into your hands, you would spend an extra fifth of a second and put a sheet in the front end of the volume and tell us what we are now supposed to have. I don't think that is an out-of-line request and I know some of you do it, but I think it would be a great help because sometimes it is murder and I need mention in this connection Mr.

Purdon of this state, with whom I have had a lot of trouble because of this business of changing laws in and out and pretty soon you don't know what you have and it is particularly acute where you keep the volumes which you replace and in which there is very little difference physically.

You get a reader who gets them, predicates a brief on them, and it is very hard when he comes back and tells you what has happened.

Finally, I would like to say just a little bit about your representatives to libraries. I say this with the knowledge that I have some very good friends in this class of person that have helped me a lot and I think that you have some excellent ones. I think, also, you have some that need a good swift kick in the pants, and it is about them that I wish to comment.

In the first place, I think that you could give your representatives more information than you do and, in that connection, I wish you would not sell the book which you don't yet have. This problem arises, I suppose, when you get an author on a contract and he writes part of a set, and of course you are selling it, and then I suppose you have to chase the author with a butterfly net to get him to write the rest of it; but it is very disconcerting to buy a book that hasn't been published and the chances of its eventual complete publication are 'way off in the future. So, I think that in the competitive field in which you find yourselves, as best you may, you ought to make sure that you really have a set of books to sell when you go out to sell them. It would help us a lot, I am sure.

The other side of that is, give your salesmen or your representative more than the circular you give us. I think that is a legitimate criticism. I like to see a man coming in with a book who has maybe a signature of the book in his hand, who has had a chance to examine it, who knows a good deal about what is in it, not what the circular says but actually what is in it, because your circulars are not definitive enough. They couldn't be; they are not long enough to tell us, so I think you could arm your representatives with more material for the products which they bring to us.

In that connection, and dealing with representatives only, I think that it is vital and I think a fair amount of salesmen, particularly of certain types of material, don't know what they have in the particular materials that they are selling—and they must. I think that is vital and it occurs now and then that we see one who does not know. He has no idea what he has. Otherwise, he would probably sell it to us.

Also, a representative coming into a library ought to know how to get around in that library and he ought to find out how to do it before he comes in. By that I mean, he ought to know something about whom to see. He ought to know something about who uses the library and what their requirements are in terms of books.

It is surprising how many don't. They do what amounts to a cold canvass and just come in, and the result is that they may not be calling to our attention some things which they should. They may be laboring hard on something which has no relevancy

to the particular structure in which we find ourselves, and I think that that is one point that you could tell your representatives, to be sure they know where they are going, to be sure they know whom they are supposed to see and to be sure they know what is going on where they are going. Those, I suppose, are basic things but I think some of them don't know.

Now, the very last thing I have to say is this, and I don't think it is any criticism of any publisher, particularly, but there is a vast amount of studies being published now under the auspices of foundations, and similar groups which deal with legal subjects—such things as the Federal Security-Loyalty Program. It distresses me that law publishers aren't publishing more of them. The Survey of the Legal Profession had a good deal of your contribution in it. I think that is a field that you ought to get into. Maybe if we could, we ought to help you get into it, because I think it is one area of the law where you could, with profit, engage and where the results of your labors would accrue to your credit and certainly to ours.

The experience of dealing with a nonlegal publisher for legal material is frightening sometimes and I think you could more easily do the job because you are set up to do it. Your proofreaders know legal terms—at least they should, and I am sure they do—and so I call to your attention this final thing in this area of publication activity where I think you could make a contribution. Perhaps we could make one by steering you to it, and I am sure that more work by you is needed. *(Applause)*

THE PRESIDING JUDGE, MR. WYPYSKI: Thank you, Arthur. And now the other side of the picture. I am sitting on this side of the table to give some weight, physical weight, that is about all, to the publisher's point of view. I think we have a very able representative of the publishing fraternity here and I introduce him to you, Mr. Mayo Coiner from Matthew Bender & Co.

MR. MAYO COINER: First of all, I shall try, insofar as possible, to follow these points in the order in which the gentleman brought them up. I shall not deliberately skip any, although there are a couple I would like to.

*Advertising*—and this is strictly a matter of viewpoint. You people must realize that the law book publisher's advertising is not aimed at you. You are not the market which is going to determine whether any given book or set of books is successful. That advertising material is aimed at lawyers, lawyers and accountants, or similar groups.

I think that you would do well to get your information, insofar as possible, from other sources. I remember this came up five years ago in a similar panel discussion. As a result of that, a year or so ago, following that discussion, we originated our Bender Library Letter, which I trust goes to every library in the country, and which we sincerely hope you will depend upon for your information about our publications, because in our advertising we do not include dates, usually. The market we are aiming at is not so concerned with the date as you are.

Those of us who publish in the loose-leaf manner have an additional problem. What is the date of any of

our publications? It is loose-leaf, it is supplemented regularly, it is supposedly completely up to date as any given moment. Take a service such as our Rabkin & Johnson Tax Service, which was originated in 1941; would you have us carry a 1941 date on that publication, even though there isn't a page in it that was written in 1941? What is the date of publication?

And even with those publishers who publish in the conventional binding, they do supplement regularly through pocket parts, and again those sets are to all intents and purposes completely up to date as of the moment you receive the circular.

I think I can assure you that you are traveling up a blind alley; I don't think there is an advertising manager in the business who will start putting dates on his circulars as a regular practice.

With regard to the name of the publisher as a publisher, we would be glad to put our names on the circulars, but can you get our dealers to agree to it? And remember that is our concern to sell these books and if we can't sell at least ten to twenty times as many as you people are going to buy, you can't afford to buy them.

With regard to new authors and some write-up concerning the author so that you can evaluate the book, this one surprises me a little. If we have a new author, I think no matter how much we put on the circular, you are still going to have to see that book; you are going to have to examine it yourself in order to determine its value in your collection. Why not get the book or the set of books and examine it and determine it for yourself? Regardless of an author's years of practice, the school that he may have been with, regardless of how many degrees he has, you cannot determine until you have seen the book whether or not he can write, and I presume that is your real interest.

*Misleading advertising.* I think that the law book publishers, as a lot of other people who conduct advertising, fell into the trap of using, over using superlatives. Many of us also fell into the economy trap of printing up a ten-year supply of circulars, with the result that once each year you get a circular announcing a new edition—and it isn't new.

In my opinion, in recent years there has been some improvement in this regard and I feel that you do not find many of the major publishers indulging in such advertising at this time.

At the same time, I agree wholeheartedly with Mr. Breuer's suggestion that you control the copy for the advertising in the *Law Library Journal.* Here is your own publication and I cannot think of any legal publication which carries more misleading advertising than the *Law Library Journal.* Why hold a panel every five years to discuss this problem if you are never going to do anything about it? The power is within your hands. Earlier I told you you had to suffer with us. Here is one point where you don't.

*Accurate information.* What does 1955 pocket part mean? I don't know and, as Mr. Breuer again said, I don't think anyone knows. But what would you have us do? We admit that we follow inconsistent practices. What do

you want? You pick the pattern and tell the publishers what it is. I can't conceive that you would get any really serious arguments on it. It makes no difference to me, and I am certain it makes no difference to most of the publishers here, whether we use the system of dating a supplement according to the year of publication or dating it according to the year in which it is to be used. I can foresee some difficulty in the latter with regard to those publications which are irregularly supplemented. Frequently when we issue a supplement we just don't know when the next one is coming out. It may be out in '57, it may be out in '58 or it may be one of those where we reply, "No supplement or no new edition is planned." I would, therefore, think that the more practical selection would be to date a supplement according to the year of publication. Speaking strictly for my own company, I know that we would go along completely with anything that you chose.

*Indexing.* Now, just what is good indexing? If each one of us sat down to index any publication, we would come up with about two hundred different indices. Miles Price, who is a master at indexing, and I have discussed this many times. We have never been able to agree upon an index and I don't think any two of you could sit down and come much closer to agreement than Miles and I do.

*Table of cases.* As librarians, you like tables of cases. You would be amazed at how many lawyers look upon a table of cases as padding. I think the day of the table of cases in a good many types of materials is gone. In the law school field of publication it is normally included, but in today's modern sets of textbooks, tables of cases are not always included. As a matter of fact, I would think that in recent years the majority of them do not have tables of cases and I cannot believe that you are going to bring them back so long as our major market looks upon them with a jaundiced eye.

How to use a new set of books? I think that is a wonderful section to be included in any set of any size. Who would read it? It is a very frustrating experience to publish these "how to use" materials. Perhaps you would use it. I wouldn't make an even money bet on it, though. But our average consumer will not, and we are still faced with the problem of going back and making a personal demonstration. It is a wonderful idea if anyone would use it.

On the reports and the problem of a new series or a change in title, not doing much publishing in the report field, perhaps I fail to see the problem here. It looks to me like an extremely simple one, one which could very easily be solved by an enclosure with the last volume of any series and the first volume of the following series, with information to be permanently bound into the flyleaf of those same volumes. I don't know—if there is a problem I fail to see it. It seems to me that your problem is simply to bring the problem to the attention of those people who do publish reports.

*Continuing orders.* We really like them, although some of you may not believe it, but when do we have a continuing order? I could make a

file at least two inches thick by just going back over the past year and pointing out letters which I have received from librarians where we have automatically shipped material on a continuing order, only to have it returned with the notation, "We did not order this." This, to me, is a field where you must first clean your own houses. We are wary of continuing orders, at least in our company, because, as I said, we never know when you mean them.

Another problem with us is the confirmation order. Can't you say, "Confirmation," and avoid the problem of our shipping out a duplicate set and some eager beaver grabbing onto the books and stamping your name all over them? This, to the publisher, is a major and expensive problem, particularly with that ink you people use.

*Padding,* I don't think there is any answer to it, frankly. I agree with you completely. I do, however, recall the story of a salesman who had had fifty-nine years' experience in this business. This was when I was conducting my first sales meeting as a sales manager. I was extolling the virtues of a new set which consisted of four volumes, and this widely experienced salesman asked me why we didn't put it in six to eight volumes. I said, "We didn't need the space. That is all there was." He said, "you don't know yet that they buy them by the yard."

I sometimes think you do. If you don't like padding, please, on the other hand, investigate what you are buying and don't assume that just because something is in four volumes it must be twice as good as a set in two volumes.

Skipping down to the multi-volume sets, again I agree with you completely. I have a list of authors here in my pocket and I wish you would write each one of them and tell them to finish the sets. We have given up. I know that you all know whom I am speaking of when I mention our twice-a-year pilgrimage to New Haven, and all I can say to you is that he is alive, he is working. (*Laughter*)

*The lifetime edition.* I think so many publishers have been burned on this one. I haven't seen it lately—perhaps I have missed it, but I think so many publishers were burned on this that probably the day of the "lifetime edition" is over. On the last such set that I saw, I asked the publisher, "Whose lifetime are you referring to?" and he told me, "The author is now 74 years old and I am talking about his." [*Laughter*]

On the business of selling, I would like to say just one thing. Our salesmen—every company's salesmen—could show improvement. I think they will show improvement if they are given the proper encouragement from you, but if you want service and if you want information from a salesman, please at the same time be honest with him. If all you want from him is information, tell him and he will be glad to call once a month or once every two months; but if you know in your own mind that that is all you want and that under no circumstances are you going to give him an order because of a local dealer, or something of the sort, then please tell him so. We are glad to supply the service but don't waste our time.

In conclusion, I was glad to see

from Mr. Breuer's research that the problem is not new. I would like to say one thing, however, which has not been said to you before. I think much of it is your own fault. I think you people should make yourselves heard, both individually and as a group. Many of the problems which have been mentioned here are capable of easy solution. Decide what solution you would prefer as a body and make it known.

Secondly, don't wait for the convention each year to tell us your difficulties. Those of us who are here are generally the men within the companies who are sympathetic to your problems. I can carry tales back to the office but if, as these things occur, you can write to me and make your difficulties known and I have something tangible which I can lay in front of our Executive Committee, I can be much more effective on your behalf when I agree with you. Thank you. (*Applause*)

THE PRESIDING JUDGE, MR. WYPYSKI: Thank you, Mr. Coiner. I think you will all agree that Mr. Coiner has effectively presented the publisher's point of view and perhaps given us a little spanking in turn.

MR. WILLIAM R. ROALFE [Chicago, Ill.]: Mr. President, I feel quite sure that all of us who are here would want to take note just momentarily of the fact that two of our very distinguished members of the past who live in or near Philadelphia are not with us today. The first one is Layton B. Register, who is the predecessor at the University of Pennsylvania of our distinguished President. Paul Gay received a letter from him today with two thoughts that I think I should communicate to you. The first is his great regret that the present state of his health does not make it possible for him to be here, and the second, his continuing interest in the Association. I expect to be in touch with Mr. Register either today or before this meeting is adjourned and I am going to assume, unless there is objection, that I may act as your deputy in telling Mr. Register how greatly we regret that he is not here and how sincerely we hope he will soon recover.

The second member is a man known to many of us who has been in the Association for years, Jim Baxter of the Bar Library and President in years gone by. I want to give just one item in his past which I think is quite interesting and was not known even to those who have known him for years. Jim Baxter played football in his younger days and he was on the first professional football team many years ago, a team that was sponsored by Connie Mack before it was found to pay.

Now, Mr. President, I would like to move that the Secretary be instructed to send the following message to Mr. Baxter:

> "To Mr. James C. Baxter,
> President
> American Association of Law Libraries, 1936-1938"
>
> "We the members of the Association assembled in Philadelphia for the Golden Jubilee Meeting, send greetings and express the sincere hope that you will make a speedy recovery. You may be perfectly certain that we, your friends and fel-

low members, appreciate your long service and devoted contributions to the Association. We miss you and we regret that you cannot be with us as we are gathered together in your city. You, of course, have our very best wishes."

MR. PRICE: I second the motion.

PRESIDENT MORELAND: All those in favor please signify by saying "aye"; opposed, "no." The "ayes" have it.

In view of the considerable interest on the part of some of you in the subject matter of the last part of the program, the panelists have expressed their willingness to be here promptly at nine-thirty tomorrow morning to carry on. The rest of the laggards can come in later.

*The meeting adjourned at five o'clock.*

## GOLDEN JUBILEE BANQUET

*The annual banquet was held in the Ball Room of the Bellevue-Stratford Hotel. Felicitations on the occasion of its fiftieth anniversary were extended to the Association by Katherine Kinder, President of Special Libraries Association; Ralph R. Shaw, President of American Libraries Association; Robert E. Mathews, Past President of Association of American Law Schools; David F. Maxwell, President Elect of American Bar Association.*

*George A. Johnston, Q.C., Chief Librarian of the Law Society of Upper Canada, served as toastmaster.*

*Miss Margaret Coonan presented to Gilson Glasier, the Association's only active charter member, as a representative of the founding fathers, a silver tray in recognition of the services which that group had performed.*

## THURSDAY MORNING SESSION

June 28, 1956

*The Fifth General Session was called to order at nine-forty o'clock by President Moreland.*

PRESIDENT MORELAND: Yesterday afternoon when we were about to be ejected from this room there seemed to be some desire on the part of a few people to continue the discussion that we were having. I think enough people are here so that we can continue. Do you want to take over, Mr. Wypyski?

## THE CASE OF THE LIBRARIAN v. THE PUBLISHER—A PANEL (Continued)

THE PRESIDING JUDGE, MR. WYPYSKI: Our case is back in session. The jury has heard the witnesses and under the rules of this court we permit the jury to ask questions of the witnesses. Are there questions?

MR. ARIE POLDEVAART [Albuquerque, N. M.]: There are a couple of things that I would like to comment on briefly in connection with Mr. Coiner's comments. One of those is the matter of the prices not being listed on those book announcements that come out. I think there are a great many of those that come through and I believe the publishers all consider very seriously putting the prices back on them. In my library we have a rule that in order to avoid having to go through those all the time, that don't give prices, they go in the waste basket and the only ones that I see are those that do indicate

the prices. So, it would be helpful to us if those are indicated on the price list.

MR. COINER: I think, Arie, that the reason for this business of having a circular without a price on it is usually because the publisher in that instance feels that we can do a more effective selling job using the circular only to get inquiries or expressions of interest in the material which we are announcing by means of that circular. To a librarian, I can see that it is a great inconvenience. I think in this instance perhaps again you are going to have to look to or develop some secondary source for getting complete information.

I can think, offhand, of only one group of publishers that does that as a regular practice. Perhaps by talking directly to them you could have them develop a secondary source for librarians. It is a practice which, to me, has no great selling benefit—but selling, like indexing, is something on which you get great disagreement.

MR. POLDEVAART: There is one other thing that disturbed me a little bit and that was Mr. Coiner's comment yesterday that the tables of cases in textbooks and things like that is probably on the way out. Personally, I regret that very much. I think in a practicing law library, in particular, the librarian finds that very often you can locate something in point by the table of cases more quickly then through the subject index. Different publishers have their own methods of indexing; as we all know, their subject classifications are different, and we look into a subject where we think we might find it and we find that it isn't there and we look under a different subject. When we go there we find a "see" reference to something else and we go from one place to another, and eventually find the material all right but it takes a great deal of time.

I have found, from experience, that the average practitioner, when he comes in, knows at least of one case which is fairly well in point and if you have a table of cases very often you can go to the precise point in the book or in the treatise where you will find that subject matter discussed, and I think from a practical point of view it would be very unfortunate to eliminate that table of cases.

MR. COINER: That really isn't a question but I would like to say a word on it. I have been surprised, myself, in recent years to notice this trend away from table of cases. I think a check of recently published texts, however, would bear out my point that there is a definite trend in that direction.

You people, of course, appreciate the value of a table of cases because you are research-trained and you are doing really thorough research on a daily basis, but as you just said, the lawyer comes to you having no idea how to find this material and it never occurs to him, even if he knows a good case in the field, to go to a table of cases and research his problem in that manner.

It is not widely used by attorneys, I feel, and in recent years I have heard any number of expressions with regard to texts, that the table was padding so far as the practicing attorney is concerned, which as I said yester-

day, I think is going to be the controlling factor.

I notice, too, in our publishing conferences, where our authors are men who are teaching in law schools, they will nearly always want a table of cases in their material. Where they are practicing attorneys, it is usually a question of, "I don't want one; or if you want one, you prepare it."

MR. JULIUS J. MARKE [New York, N. Y.]: As a member of the jury, I would like to be sort of unorthodox and add to the indictment, if I may. I would like to refer to the peculiar situation that exists in the law publishing field where you have a law publisher who is also a salesman, he is a dealer, he not only sells his own books but he sells books of other companies. The result is, when a new book is announced, such as Scott on *Trusts,* you get swamped with circulars from every conceivable agency, and the publisher as well. In addition to that, salesmen will come to you eventually to inquire as to your need for the particular set.

Now, that is all right up to a certain point. However, the publisher should recognize that there are many dealers in a particular local area and that the librarian of that area eventually depends upon one or two, or perhaps three of those dealers. He works directly with them. He is getting all the service he possibly can from those dealers.

A company representative will appear in your office from some outlying city, perhaps two hundred or even a thousand miles away, and attempt to sell you a book which you have already purchased—perhaps you bought it before it was even announced, because this enterprising dealer has advised you of it—and he will take up your time and you are trying to be polite. He doesn't even know that his own company has sold the book to this library, and I would suggest that the publishers keep a list, especially of the big sets, of the subscribers to the particular set, or the purchaser, and really create, well, a more friendly atmosphere there by not sending a man along to aggravate a peculiar situation.

THE PRESIDING JUDGE, MR. WYPYSKI: This is a comment from the Bench. I am sure none of the publishers are interested in wasting their particular salesmen's time to send a salesman out into an area which has already been covered. Perhaps it is due to the competitive fervor of dealers and publishers who go out and sell the products, and again perhaps if the publisher or the dealer knew that the set was already in the library, or knew that the person had placed an order with a particular dealer, I doubt, Julius, whether or not he would send a man out.

But I think your point is well taken in that there should be some information of this type passed along to the salesmen, especially those of the publisher of the work so that, as you stated, they would not spend a lot of time and energy trying to sell you something that you already intend to buy, and from some particular source.

MR. MARKE: As a matter of fact, the publisher knows the names of all his purchasers because the dealer probably just sends along an address slip

label and the publisher then sends it directly to the purchaser.

So far as the salesman approaching your office, I have had four of them in the last two months come in and sit down, representing the company, unannounced, at a time when I was quite busy. I wanted to be friendly. I just wanted to be hospitable at the time but I was losing a lot of my own time as the result, unnecessarily.

THE PRESIDING JUDGE, MR. WYPYSKI: Perhaps each of them thought you should have bought the set from them and if you did buy from the other one, you should have four sets on your library shelves. Anyone else?

MR. RUDOLPH HEIMANSON [New York, N. Y.]: I have a little problem which concerns the technical makeup of books. I would find it more convenient if chapter headings could be marked clearly on the thumb margin of books. Very often there is a reference, "More in Chapter VII," and it is often annoying to find where Chapter VII actually starts. Sometimes we have to refer back to the Table of Contents. This, I believe, is a serious loss of time and I believe if chapter headings, chapter numbers could be given right on top, in the margin at the top of the page, it would be very easy for us to find where it is. Some publishers do it but some just don't, and I would just make the general suggestion that it should be made common policy on the part of publishers to mark chapter headings on the thumb margin.

MR. COINER: There, again, it is one of these things which I think is capable of rather easy accomplishment. In our own publishing we lean toward the sections themselves as well as pages on each individual page. It is a method which I, personally, prefer. I don't think what you are proposing would add greatly to the cost of any publication and I see no reason, again, why it can't be accomplished very readily.

May I add a word on your previous comments, Julius, before you ask another question. This is tied into this evil which Arthur mentioned yesterday of selling what you do not have. Where we have a current set and at the time of announcement the set is ready for delivery, as soon as you order from a dealer we do get a label from them and it is our practice—and I am sure the practice of most publishers—to notify the salesmen in the territories where we have received orders. I cannot imagine that very many salesmen are going to play the frustrating game of going around and talking to you after they know you have ordered one.

But where you have a set such as the one you mentioned, Scott, which will not be ready until September of this year, those labels are not sent in to the publisher until some two weeks before shipment is due, so in that interim period nobody knows who has what orders and, libraries being the natural suspects of any new work of any size, they are going to get literature from everyone and they are going to be called upon by every salesman in the territory.

MR. BREUER: I would like to add a word on your circularization, Julius. I don't have to tell you that the life blood of this country is advertising. You and I have both discussed the

commercials on television, but there is nothing you can do about it because that pays the freight.

I have had situations where, from the same people, this is what I have received: The New York State Library; The New York State Law Library; E. H. Brever, New York State Law Library; E. H. Breuer, New York State Law Library; E. H. Breen, New York State Law Library. I am not exaggerating. On one occasion I took all the envelopes and I asked Mrs. Lansing, who was then head of the Gift and Exchange System, to write to the firm enclosing them and to tell them to mail to one section of the New York State Library just one circular.

I am still getting every one of the envelopes I mentioned. There is nothing you can do about it because you can't tell the publisher, any more than you can tell any dealer or producer of products, how he wants to advertise his product. Why should one man knock himself out when he knows somebody else is doing it. There is just nothing you can do about it.

THE PRESIDING JUDGE, MR. WYPYSKI: I might disagree with Ernie a little bit. You can do something about it. Don't read the circulars. Tell them about it and do the same thing I am going to do where I have a multiple subscription. I notice the envelopes come in the same day, the same size, from the same source. I look at the first and take the rest of them and put them in File X. I think if the publishers and dealers insist on wasting their time and postage, and if we keep telling them they are wasting time and postage, and they insist on doing it—well, it is their money.

MR. JULIUS J. MARKE: What is the strange mental telepathy among publishers which results in five different companies publishing books on the same subject at the same time, such as zoning?

MR. COINER: Julius, I wish you would correct that. I wish when we get an idea you would keep the other publishers out of the field. A similar question came up last evening immediately after discussion and I remarked then something which is probably known to most of you but not all of you, that at one time the publishers did indulge in conferences to determine what new publications were coming out and to forestall this business of two or three sets on a given subject hitting the market at the same time. The Federal Trade Commission didn't approve of that practice and we would be very happy if you could get some new system which they would approve, which would prevent other people from coming on the market at the same time we do.

Municipal corporation law is another place where it has happened recently. There has been a need for a municipal corporation text of smaller size than that which was available for a good many years. I know both in my previous connection and since I have been at Bender's, I have been seeking an author to write a small text on municipal corporation. I know that several other companies were doing the same thing. We came out at the same time.

It happened again in the zoning and there, there were almost three. You got by with two at the very last

minute. I know of nothing that you can do about it and it does seem to be a strange form of mental telepathy.

MR. SIDNEY B. HILL, [New York, N. Y.]: May I inject one question here? When the thing that Senator Pepper envisioned the other day, a law librarian in every law office, comes into being, will the attitude of the publisher change any?

MR. COINER: Yes, I could go much further and say the publishers would welcome that day, Sidney. When calling on any large sized firm, it is really a wonderful feeling to learn that they do have a librarian; otherwise, you walk into these large firms and their purchasing practices are even more varied than your own, and trying to determine just whom you have to see is enough to make the average salesman turn around and walk out of the office. You will frequently hear law book salesmen comment to the effect, "Give me the small firm to call on any day unless the large firm does have a librarian."

THE PRESIDING JUDGE, MR. WYPYSKI: Are there any more questions? I noticed one thing. We had very few questions from our publishing fraternity directed to the witnesses for the librarians. I had hoped that perhaps some additional spanking or criticism would come from the other side of the picture.

MRS. MICHALINA KEELER [Hartford, Conn.]: Is there any way that we, as an association, can exert an influence upon the publishers to have continuous pagination in works which come out quarterly, or monthly, and then are cumulated at the end of the year, with a continuous pagination and an index which does not help us with the quarter issues?

MR. COINER: Yes, Mrs. Keeler. That goes back to what I hoped was the major theme of my talk yesterday, that I think you people can exert a great deal of influence on publishers if you will determine among yourselves exactly what it is you want and make specific recommendations as an Association. Several of you came up to me last evening to remark on my talk and of those which I can repeat, several were to the effect that they thought the Association should do something along that line.

You have, or will have, a Committee on Publication. I would think that this would be a study which they might well undertake and come up next year with a specific set of recommendations which this Association could adopt and send out to all publishers. I think in that manner you could have some influence along any of the lines which we have discussed here.

Since you would like to have an issue from the publishers, I will be glad to raise one. I also had many publishers comment on yesterday's talk and our chief complaint with libraries goes back really just to one thing: your methods of purchasing. Is there anything you people could do to influence your own organizations to adopt more uniform methods of purchasing? I think more than anything, more than any other problem which we have, that is the one which really upsets the publishers and which causes us more difficulty, more time and more trouble.

MR. FREDERICK B. ROTHMAN [South

Hackensack, N. J.]: I suspected a couple of minutes ago you pointed your finger at me. I made up my mind I wouldn't be needled. I had a lot of bright questions yesterday but they don't look so bright in my present condition this morning. (That is not as bad as it sounds.)

The two questions raised this morning could be answered in pretty much the same way. A good many years ago Bob Downs, who is now Director of Libraries at Illinois, was Chairman of a joint committee of ALA and the American Standards Association. That committee was divided into a group of subcommittees, the purpose of which was to set up standards for publishers of periodicals and books. The periodicals group, for example, considered such matters as, Should you use Arabic or Roman numerals; Where should the masthead be; How should you identify a magazine—questions of pagination such as was raised a moment ago, and that is what made me think of the problem. It shouldn't be too difficult for this Association to set up a somewhat similar committee jointly with the publishers and work out this type of problem.

As to Mike's question on the practices, I don't doubt that the situation could be improved considerably from within the Association, but I think you are going to run into one major problem, Mike. You will have to get a uniform law on purchases for the various states, and that is not going to be so easy to get.

I did have one bit of cross-examination. I am very curious about one thing I want to ask Ernie Breuer, and I speak now not as a publisher but as a friend of the court because I should have been sitting in your place. I am in the middle—as a publisher and buyer, we get it from both sides. Ernie, you raised a question about the identification of materials in a list such as a trial and you pointed out that you felt that the seller should indicate if it is published in a collection. In other words, if someone were to offer you, and you were interested, a volume of Hamlet, you would want it to list all the collections in which Hamlet appeared? And how do you know it appeared in the collection unless you checked in the catalog? If it was in the catalog in the first place you should have caught it when you checked your list. Do you follow me?

MR. BREUER: Fred, this actually happened. In my catalog I don't have every trial in the state trials. Maybe there are libraries in this country that do it, but I don't think so.

MR. ROTHMAN: How do you find out—

MR. BREUER: You want the honest answer on it. The New York State Law Library had a duplicate, only it wasn't a duplicate; it was an original, but somebody got it from the catalog. It was my own property that I bought back.

MR. ROTHMAN: Somebody very foolishly sold it to you.

MR. BREUER: That is right.

THE PRESIDING JUDGE, MR. WYPYSKI: I think we have heard expressions from both sides, the jury has been on the case, the record is complete. If there is an appeal, I think we can take Mr. Coiner's suggestion that some of the problems we say we have can be solved by ourselves, and perhaps

through the force of our Association, we can speak as a group and advise the publishers as to certain practices with which we are in disagreement.

I think our function has been accomplished. I would say this; I think the record should be studied by a committee. We would like to see some concrete results of our discussion yesterday and today, and perhaps if the question does come under the jurisdiction of one of our committees, we might hear the results next year. If there is no committee, perhaps a committee should be formed to consider the question.

I wish to thank the witnesses for the librarians, Mr. Charpentier and Mr. Breuer, and our most able witness for the publisher, Mr. Coiner, for a very instructive and not too destructive discussion. We are all still friends and, the case being completed, I declare this court in recess.

MR. BREUER: I don't want to prolong this but you remembered I mentioned the Code of Fair Practices suggested by the ALA. I think you ought to make some comment about that—that the committee get in touch with them if it is the desire of the Association, or you may want to make some comment as to the next step.

THE PRESIDING JUDGE, MR. WYPYSKI: Again, I understand there will be a committee formed that will take up this question and I think it will be under the jurisdiction of that committee to consider it. The matter is in the record and it is now passed in to the committee's province.

(*President Moreland resumed the chair.*)

PRESIDENT MORELAND: Thank you, gentlemen. The fight is over but that is only the first round.

I should first like to call upon Mrs. Michalina Keeler, Chairman of the Committee on Memorials.

## MEMORIALS COMMITTEE

MRS. MICHALINA KEELER: Mr. Chairman, Members: The Committee on Memorials regrets to report four members of the Association have died since our last Annual Meeting. They are:

MARGARETT HOBBS JAMES
GEORGE P. SEEBACH
FREDERICK C. HICKS
ALICE MAGEE BRUNOT

Memorials have appeared or will appear in the *Journal.*

It is now suggested that we observe a moment of silence out of respect.

(*The audience arose and observed a moment of silent tribute to the memory of the deceased members.*)

PRESIDENT MORELAND: Mr. Breuer, Committee on Cooperation with State Libraries.

## COOPERATION WITH STATE LIBRARIES

MR. ERNEST BREUER: Mr. President, I think the time is really too short. If we had much more time I would like to go into this thing but there are so many other important things to discuss that perhaps I should just say I think all my recommendations are known to the Committee on Committees, and perhaps when they make their recommendations they may include anything that they have in mind. I would like to move the adoption of my report together with the

recommendations contained therein.

PRESIDENT MORELAND: Unless everyone has read the report and knows the contents of it and is sure he wants those recommendations to be adopted —and I am unfamiliar as of now with what those recommendations are—I would hate to have to vote "yes." You are asking us not only to accept the report but to adopt the recommendations, and I am not sure that the people here know what the recommendations are.

MR. BREUER: It will take me two minutes to say what the recommendations are.

PRESIDENT MORELAND: I wish you would, because many people don't have the report.

MR. BREUER: In my report I mentioned that I have gone through the entire history of this Committee on Cooperation and it started in confusion without knowing what its objective were. In other words, the committee just floundered from year to year without knowing what it was supposed to do and somebody at one point picked up the idea of making some sort of checklist, and everybody and his brother was doing it. Fortunately, the last committee, which started another checklist, decided to circularize the libraries to find out if someone else had done it, and they found that three-quarters had been done by someone else and they picked it up and finished it.

The committee recommends that an Editorial and Publications Board be established without waiting for the realization of our dream for a national headquarters and an executive secretary.

We also recommend that cooperation with state libraries should be continued, with defined, definite objectives. This may mean we will assist state libraries in developing standards for cooperation between state law libraries and other libraries within and without the state, the state libraries to cooperate with AALL in compiling checklists of state publications.

We recommend better cooperation by the state libraries in the distribution and exchange of their official publications, aiding law libraries to get more equitable treatment of state reports, codes and statutes; improving interlibrary loan policies between state and other law libraries; organization of state law library associations as chapters of AALL for exchange of ideas, mutual aid in raising standards for law library administration and salaries and aid AALL to increase its membership by impressing their members with the advantages and benefits of membership in a national law library association.

It is recommended that an appropriate committee make a complete survey of the bibliographic field for the field of law, what is presently available and how AALL could aid its members in providing aids to legal research.

PRESIDENT MORELAND: Does any one want to second Mr. Breuer's motion? It has been regularly moved and seconded. Any discussion? I take it, Mr. Breuer, this is simply a recommendation that an Editorial and Publications Board be created, and not the actual creation of an Editorial and Publications Board?

MR. BREUER: That is right.

PRESIDENT MORELAND: All those in favor will please signify by saying "aye"; opposed. The "ayes" have it.

Miss Fenneberg, Exchange Files Committee.

## EXCHANGE FILES

MISS DORIS R. FENNEBERG [Toledo, Ohio]: As of May 1, 1956, I reported that there was a balance of $54.82 in the Exchange Fund. At the time, I had not received a bill for List No. X and I had rather pessimistically stated that List XI would probably not be distributed this year. However, List No. XI went out just last week so that the balance for the year cannot be completely accounted for in view of the fact that I haven't received the postage bill. However, we do have somewhere between forty and forty-five dollars left.

I reported that there were ninety-four members as of May 1st, but last night a distinguished gentleman from Alabama gave me $1 and we now have ninety-five members.

The committee met yesterday and we all have the feeling that a great many of you are missing the boat. You are not in the exchange program and perhaps think it will not be of any benefit to you. There are some libraries that have been benefiting from it to an enormous degree and there are some libraries who have never listed any material and, consequently, have received very little.

You must bear in mind that if you are going to receive, you must be willing to give. That does not mean that just because you have no duplicates, you will be unable to get anything on the exchange program, but if you are requesting material that is also requested by a library that is very generous, you must understand that the library that has the material to distribute is going to give preference to the libraries that have been sending material to them.

However, I think every librarian feels the same way. If you request material that nobody else has asked for, regardless of whether you have anything to offer or not, the average library is very happy to dispose of the duplicates.

We have planned a program for the balance of the year. We have covered, as I say, List XI to date. We are in the midst of periodicals. We have sent out two lists on periodicals and we have gone through the alphabet up to and including J. We are going to have three more lists on periodicals. The first will go from K through O; the next P through S, and then the third list will cover the rest of the alphabet.

We are going to ask you to do something different this time. When we resume the program in December we are going to ask you to send in all your periodical listings at the same time but to three different people. It is a very lengthy process to compile one of these lists and, therefore, we feel if we can get the second and third list started early, the lists will move much more promptly. You have the rest of the summer to know that we are going to cover the periodicals and I hope that those of you who are in the program will get the lists of periodicals ready.

From there we are going to session laws. We will cover the session laws of the various states in two groups; the

first half of the states on the first list and the balance on the next. From the session laws we are going to state statutory compilations. Some of you people think you have nothing to list because all you have are old session laws or old statutory compilations. I think you will be surprised at how many requests you will get for that material.

The next group after statutory compilations of the states will be federal statutes. You have old United States compiled statutes, federal statutes annotated—that type of material will be listed and then we undoubtedly will have one list which will cover constitutions, state constitutions, constitutional conventions or constitutional journals, and so forth. We have not planned beyond that. If we all survive, I think that will take care of it.

There is another question that is going to arise sooner or later and that is, What happens when our funds run out? I don't know what authority I need. My own feeling is that people who come in now should be able to go on farther than the ones who started at the very beginning and got early lists. Is that the type of thing that is going to have to be submitted to the Executive Board? I think at the rate we are getting along, we have operated two years and spent only about $45 due to the fact that the libraries compiling the lists have usually taken care of the mimeographing costs, so I doubt very much if we will have to ask for any fee this year, but I do hope that some of you people who have not joined the program will do so and I will be glad to send any directions any of you want.

## COMMITTEE ON COMMITTEES

MR. VERNON M. SMITH [Berkeley, Calif.]: Mr. Chairman and Members: The report of the Committee on Committees is somewhat more than a preliminary survey of the Association's committee structure, yet it does fall somewhat short of being a definitive treatment on what we have and what we might well do.

There are some existing gaps in the committee's report, chiefly relating to the problem of cooperating committees. There has been a tendency in the Association (laudable in its origin) to establish committees on cooperation with this, that or the other organization. Now, of course, it is very easy for any association such as this to establish a committee on cooperation as a unilateral matter. However, it seems to the Committee on Committees that a unilateral committee on cooperation established by a single organization has considerable difficulty in cooperating with the other organization unless there is some structural means whereby there can be real communication. In other words, it is very easy for us to establish a committee on cooperation with the First National Bank but we do not necessarily have that nice cooperation with the First National Bank that we might like to have.

Rather, we should look toward cooperating committees which have mutual membership in the two groups and the prototype of that type of committee is the existing Committee on Cooperation between the Associa-

tion of American Law Schools and this Association, where the membership is composed of persons from each organization with means thereby of speaking within each organization through its membership.

In view of the recent change in the status of the National Association of State Libraries to, as we understand it now, a division of the American Library Association, the Committee on Committees wishes to add to its report a recommendation that the Committee on Cooperation with State Libraries report forthwith to the Executive Board concerning the future relationship and the means thereof between state libraries and this Association. That is a recommendation to be included in our report.

Secondly, that in respect to the Committee on Cooperation with the American Bar Association, the Committee recommends that the Committee on Cooperation with the ABA be instructed to continue its work on projects presently before that committee and in addition study and report on ways by which our Association may develop a more fruitful relationship with the American Bar Association, including the possible establishment of a joint committee on cooperation between the ABA and the AALL.

I call your attention to the recommendation of the Committee on Committees fully set out in the report, to be found on p. 25 of the mimeographed materials forwarded to you, relating to a proposed Standing Committee on Publications, in particular the second paragraph in the middle of p. 25 where the general setup of that committee is outlined. This proposed new Committee on Publications is recommended as a means of formulating publication policies of this Association to aid in the development of a statement of policy on the Association's sponsorship of publications, and a number of other things.

Inasmuch as the structure of committees is detailed matter and any transition from our present organization to an organization as proposed by the Committee on Committees should be worked out gradually, the Committee on Committees wishes to make this motion in respect to its report: That the report of the Committee on Committees as orally supplemented be referred to the Executive Board with authority in the Board to take such steps as the Board may consider appropriate with respect to the several recommendations of the committee.

In short, that will give the Executive Board the opportunity to adopt or not adopt, as in time may prove appropriate, the various recommendations made in the committee's report, and I so move, Mr. Chairman.

*(The motion was seconded by Mr. William R. Roalfe, of Chicago.)*

PRESIDENT MORELAND: Is there any discussion of that motion? If not, will all those in favor signify by saying "aye"; opposed, "no." The "ayes" have it and the motion is adopted.

The Foreign Law Committee report contains a number of recommendations and one of them will take action by the Association.

## FOREIGN LAW

MR. RUDOLPH HEIMANSON [New

York, N. Y.]: As Carroll Moreland has said, we adopted several recommendations and I am not going to bore you with reading them. You can read them in the mimeographed material, but one of them would require the cooperation of the assembly. It deals with the guide series which has been put out by the Library of Congress on Foreign Law. This guide series, valuable as it is, is not up to date and, as we all know, if it is not up to date its value is somewhat limited. We feel it would help tremendously to have such a series brought up to date and we would like to express such feelings to the Library of Congress. We also feel that we would speak with a stronger voice if the Association, as such, would pass a resolution to this effect, and this is where we would ask your kind cooperation.

The recommendation reads: "That the Association pass a resolution that it desires the Library of Congress to bring the *Guide* series up to date" and I therefore move that the Association adopt the following resolution:

> WHEREAS the series known as "Guides to the Law and Legal Literature of the American Countries," published by the Library of Congress during the past years have been of the greatest value to lawyers, law librarians and all others interested in the official literature of these countries: and
> WHEREAS, many of these Guides are obsolete and are not informative of present publications, and
> WHEREAS, continuing interest makes it imperative that these Guides be brought up to date, now be it therefore
> RESOLVED, that the American Association of Law Librarians urge the Library of Congress to enter upon a project to bring these various Guides up to date and to explore the methods of maintaining currency of information for the countries involved, to the end that the many interested persons may have before them a bibliography of current legal publications of the various countries of the Americas.

MR. LAWRENCE KEITT [Washington, D. C.]: I would like to say a word on the guides, if I may. Most of those guides from Latin American Law are in Latin American Law Published Guides. They were published at the expense of the States Department. I think the latest was perhaps ten years ago. We ("we" meaning the Library of Congress) have recently submitted to the State Department, have suggested to the State Department, a proposal for the bringing of those guides up to date, the money, of course, to be furnished by the State Department. That proposal will be considered, along with a number of other proposals by agencies of the Government who are interested in cultural relations between this country and countries of Latin America. A committee will pass on these proposals and some of them will be adopted. If a proposal covering law is adopted, I feel sure that this is the one which will be adopted. I can't appraise the chances of success in getting this project, but we are trying.

PRESIDENT MORELAND: Do you think

the resolution should be directed to the Library of Congress?

MR. KEITT: I think so, that is, an appropriately worded resultion.

PRESIDENT MORELAND: I think that is very hopeful and perhaps a little pressure from us, a slight indication of our interest, may help.

MR. KEITT: I think it would be quite helpful in getting favorable consideration by the State Department. I might add a word further. The Assistant Secretary of State, Mr. Holland, and some of his assistants came to the Library of Congress and we had a luncheon meeting and the program of developing a number of projects was discussed. Mr. Holland desired very much to put some of them into effect, as many as they can, but the wheels move slowly and when they will know finally the fate of this proposal, I don't know, but I should say probably sometime during the course of this next year.

PRESIDENT MORELAND: The motion has been made. All those in favor please signify by saying "aye"; opposed, "no." The "ayes" have it.

## IN-STATE AND OUT-STATE PRICING

PRESIDENT MORELAND: I don't see Mr. DiCanio here. I think he had to leave. Mr. DiCanio was a member of the Committee on In-State and Out-State Pricing, of which Miss Hary was the Chairman. I received the report of the committee on Tuesday.

Briefly, she reviews in her report the method by which these statutes are contracted out to the publishers, gives the history of some of them, and, unfortunately, she can't come to any conclusion as to what we can do to stop it. She has some ideas as to how we might attempt it. I will read this part of it, however:

> "It would be nearly impossible for any change to be effected in existing prices by unilateral action of the states. It remains for the AALL as a group, and to the chapters to alert its members by regularly returning the price information on official state publications. Librarians can exert very little influence unless they have price facts to support them."
>
> "Secondly, the AALL can urge law librarians connected with state agencies and state librarians to seek membership on code commissions, to appear before such commissions, to participate in the discussions and generally act to hold down prices conveyed by the granting of reserve sales areas."

I should have read this last sentence just half an hour ago:

> "Finally, and most urgently, publishers must be made to feel the desirability of cooperation."

MR. DILLARD S. GARDNER [Raleigh, N. C.]: Mr. President, I have a question. Does that tabulate by states? Miss Hary made a questionnaire survey of the practices in the different states. I wondered if that report incorporates that information.

PRESIDENT MORELAND: It is on its way.

MR. GARDNER: I was going to raise the possibility that the Association might desire to publish that tabula-

tion if it is in the report. Otherwise, as a separate item.

PRESIDENT MORELAND: It is not yet in the report, but it will be.

Mr. Hill, do you want to report on the Committee on Index of Foreign Legal Materials?

MR. SIDNEY HILL: First with respect to foreign law indexes, there is little further that we can do to continue exploratory work with organizations and individuals as to the need and necessity. We found that it is essential for us to wait until there is some clarification of what the Ford Foundation will do with respect to the recommendations and suggestions and requests that a survey be made of the Association's entire activities. As soon as that is clarified, then we will know in which direction to move.

I would like to say a word about the Council of National Library Associations. There is a copy of the report here for you. I am not going to talk about that. I would like to say that Mr. Moreland was in attendance with me at every meeting. Of course, Mr. Marke and his committee worked and attended the meetings. One thing that is highly important in the work of the CNLA is that most of its activities are with problems of a national or international level, and very, very important problems. They are trying to envision an international conference in which all national and international associations can join in with the finest minds to speak to us, if we can arrange such a conference, with these minds preferably to come from those we serve rather than from our own organizations.

There is a great need for law throughout the world. When I say "law," I am not talking about law and order but I really mean legal publications, and particularly those of our own country. I have boxed up now some two or three thousand volumes that are earmarked for India. The law schools of India and some of the other libraries of India, and many other areas of the world, are in great need of constitutional publications on American concepts. They are in need of our concepts and publications on private international law, those laws and publications dealing with juveniles, family relations and the related law dealing with social sciences.

We are still in the "cold war" and we are going to be in the "cold war" for a long time, and we could do so much if we would only do a little and send some publications to these areas of the world in which we hope democracy will still flourish and exist. There is no question, unless we are going the other way, that every one of us must do our share in this work. I think the United States Book Exchange will be glad to receive this material for distribution and shipment abroad. If you do not have a direct contact, would you contact USIA, or the consular agencies of ours throughout the world in these areas. It is urgent and I hope many of you will do just a little something.

## MICROCOPIES

MRS. HUBERTA A. PRINCE [Washington, D. C.]: Mr. President, Members: This is just a word in the nature of a supplemental report on the activities of the Microcopies Committee. It has been decided that that committee will

continue having the same personnel and the same basic mission that it had during the past year. We were pleased to have some of the members of the Committee on Application of Scientific Devices to Legal Research sit in with us yesterday morning, and they are going to work jointly with us in keeping us advised of new developments in the field that can be applied to micro facsimile.

Since a number of our major universities have basic problems in storage and accessibility of tremendous collections, such as court reports and briefs, a subcommittee has been appointed of which Earl Borgeson has consented to be Chairman, to initiate and conduct a study which should develop all basic data in the field and give us some guidance as to how we should proceed. This is in relation to the practicality of reducing all of this tremendous volume of records and briefs to some form of microcopy where it can be more readily stored and made available for research.

In this connection, I know that many of the librarians have some thoughts on this subject or have some problems within their own institutions, and since we are exploring the field, Earl Borgeson or any member of our committee, or I, would be most grateful for any suggestions or ideas that you may have in this whole field of the applicability of micro facsimile to storage or research problems.

We did touch on the application on symbolic logic to legal research and it has a much longer and impressive name than that. We have some people in Washington who are active in that and I am trying to coordinate with them and our Committee on Scientific Devices is also going to do so, so all I can say now is that the committee is still exploring and will appreciate any ideas or help that you give us.

PRESIDENT MORELAND: I am glad to learn that something may be done about the storage of records and briefs in some fashion other than on those great long shelves which so many libraries have.

The CNLA Committee for Protection of Cultural and Scientific Resources reports there was no meeting of the committee and it, therefore, has no report to submit.

## UNION LIST OF SERIALS

MISS BERTHA M. ROTHE [Washington, D. C.]: Mr. President, Ladies and Gentlemen: The Joint Committee on Union List of Serials met at the Library of Congress at a date too late to submit a written report for the minutes. The main object of the meeting was to determine editorials and publication policies for the future. The new serial titles, which is the successor to the Union List of Serials was cumulated in 1955. That will be the last cumulation in the first series. The annuals from 1956 through 1959 will be self-cumulative starting with the one-year cumulation in 1956. There will be a total or ten-year cumulation in 1960 and that pattern will be followed for the next decade, at least.

Serial publications in oriental languages will be included as each one has its own transliteration and cataloging policies developed at the Library of Congress. At the present time, the Library of Congress does not plan to set any limit on the number of

locations which are given for each entry. That may have to be done at a later date.

Part of the discussion also concerned the price. At the present time there are about six or seven hundred libraries subscribing and the market for the Union List of Serials was about seventeen hundred. The Library decided they would undertake a program of education and try to get more libraries to subscribe to new serial titles.

PRESIDENT MORELAND: Thank you, Bertha.

## SPECIAL COMMITTEE ON PUBLICATIONS

MISS BETTY VIRGINIA LEBUS [Bloomington, Ind.]: The Committee wishes to withdraw its report as it appears on pp. 28 and 29 of the mimeographed reports, in light of information which has come to the committee since the report was filed.

The Fred B. Rothman Company and Oceana Publications have informed the committee of their intention to publish *Law Books in Print* sometime in 1957. The compilation and editorial work has been undertaken by Mr. Jacobstein of Columbia. It will be an author-title subject listing of books in print published in the United States, Great Britain, Canada and Ireland. Session laws, reports, et cetera, will not be included.

Since it is impossible to estimate the number of titles to be included, it is not possible to estimate the selling price of this publication.

The committee feels that this development ends the work for which it was continued last year. In view of the recommendations contained in the report of the Committee on Committees as to the need for an overall pubications program, it is recommended that committee.

I move the adoption of this report.

(*The motion was regularly seconded.*)

MR. WILLIAM B. STERN [Los Angeles, Calif.]: I don't know whether, as a technical matter, the report can be withdrawn. It can be corrected. It has been filed and is probably in type. It seems to me that the report was rendered at the regular deadline, so that it should be amended now.

MR. CYRIL L. MCDERMOTT [Brooklyn, N. Y.]: Perhaps we should not be too technical. I move that the report be adopted.

PRESIDENT MORELAND: Mr. McDermott moves that the report be adopted. Is there a second to that?

(*The motion was regularly seconded.*)

PRESIDENT MORELAND: All those in favor signify by saying "aye"; opposed. The "ayes" have it.

I think that ends all of the committees that wanted to say anything in addition to what they had said before, except for one. The Co-Chairmen of the Golden Jubilee Issue Committee of course filed their report in the May issue of the *Journal,* but it has an additional report to make which I will make it for them, and that is to announce the winner of the Golden Jubilee Issue Prize Essay Contest. It was won by Howard J. Graham, Bibliographer, Los Angeles County Library. The title of his essay is, "Be Those That Multiply the Commonweale." [Applause]

I would like to make one comment to Vernon Smith's report which dealt with cooperation with the American Bar Association. Because I happen to live in Philadelphia, Dave Maxwell talked to me last night for a few minutes and said, "I think you people can do me a lot of good. Will you call me up and come downtown and have lunch with me some day next week?" I think there is some ray of hope, a little glimmer of light, and I hope to do some kind of proselyting job. (*Applause*)

## AMENDMENT OF CONSTITUTION

This is the continuation of Monday's program with respect to the program to amend the Constitution of Libraries.

We had gotten down to Article VI, Executive Board, Section 1. With respect to that section of the Constitution, there are two proposals. Both of them have been presented by petition. The first one changes the number of the Board from eight to nine. Under it the Board would be constituted of the president, the president-elect, the immediate past president and six members who are elected at large, two being elected each year.

The other proposition is that the Board should be increased from eight to eleven, and that is done by electing two members-at-large each year instead of one. Does anyone wish to discuss either or both of these proposals?

Miss Doris R. Fenneberg [Toledo, Ohio]: I think it would be one of the unkindest things we could do to have a secretary and treasurer put in the amount of work they do and then not have any voice in the policy of the Association. Therefore, I am heartily opposed to the idea of saying they shall attend Executive Board meetings but have no vote.

Mr. Louis Piacenza [Los Angeles, Calif.]: The group that worked on the so-called Piacenza Petition is in wholehearted agreement with Doris Fenneberg. We propose that the secretary and treasurer have full officer status with full voting powers, but the term of office to be limited. I don't know if we can talk on this. This was Monday's proposal but I did want to state that the committee, my committee, fully approves of Doris Fenneberg's ideas.

President Moreland: An appropriate amount of silence having been engendered, I think we can proceed to Article VI, Executive Board, Section 2, Vacancies in Office. There are two proposals. One of them is a proposal of the Executive Board; the other is a proposal by petition.

As it now stands, the first sentence is, "The Executive Board shall have the power to fill any vacancy in elective offices except that of president, the person so elected by the Executive Board to serve the unexpired term."

Now, the Executive Board's proposal is to add at that point: "Provided, however, that in the event the president-elect cannot assume the duties of president and such fact is known prior to March 1, the nominating committee shall nominate a candidate for the office of president for the term of one year."

Then there is a slight change in the language. It would then read, "In the case of a vacancy in the office of presi-

dent of the Association, the president-elect shall become president and shall serve until the end of his own elected term."

MISS FENNEBERG: What is the Executive Board's idea in leaving that blank?

PRESIDENT MORELAND: If you will look at the first sentence, there is no gap. The present Constitution reads, "The Executive Board shall have the power to fill any vacancy in elective offices except that of president"—and there is only one president. If any other office becomes vacant, the Executive Board has the power to fill any vacancy.

However, in the By-Laws there is presently a provision that the nominating committee shall do certain things. The By-Laws provide that if the nominating committee is aware of the fact that the president-elect is not going to serve beginning in June, then they are to nominate somebody for that position.

As a matter of fact, the Executive Board was criticized after its December meeting for not filling the position of president-elect, or, rather, naming the person who would be president at 1:30 this afternoon, because it does have the power—"shall fill any vacancies." But, since the idea of the nominating committee making the choice, if known far enough in advance, was in the By-Laws the Board felt that, if this provision was put in the Constitution, it would provide a method by which the Board would not have to exercise its powers unless the event happened after March 1st—in other words, at a time when the nominating committee could no longer act. There is no gap left here at all, as I see it.

MISS FENNEBERG: I was taking Forrest Drummond's word for it that there was, and he said that was the reason he circulated the proposed amendment.

PRESIDENT MORELAND: I agree with you that is what Forrest Drummond said and I think Forrest Drummond is wrong. That is the position of the Board.

Now, Mr. Drummond's petition would eliminate all of that paragraph as it now stands in our Constitution and insert a new one which I shall read to you:

"The Executive Board shall have the power to fill vacancies in the offices of secretary and treasurer and vacancies among the elected members of the Executive Board. In the case of a vacancy in the office of President or his inability to serve, the president-elect shall become president and shall serve until the end of his own elected term. In the event that a vacancy occurs in the office of president-elect or he is unable to serve and the vacancy or inability to serve has been determined by the Executive Board prior to March 1st, the nominating committee shall nominate two candidates for the office of president for a term of one year commencing at the close of the next annual meeting of the Association. If a vacancy in the office of president-elect is determined to exist by the Executive Board between March 1st and the annual meeting of the Association, the nominating committee shall present for election at the annual meeting two candidates for the office of president for a term of

one year commencing at the close of the annual meeting at which such election is held. If a vacancy in the office of president or president-elect occurs in such manner or at such time that the Constitutional By-Laws do not provide a method of filling it, the Executive Board shall then have the power to fill such vacancy."

PRESIDENT MORELAND: Does anyone want to comment on Mr. Drummond's petition?

MR. DRUMMOND: Actually, I wish to present an argument that when we vote by mail we do not adopt either of these petitions. As I look at it now, it would be foolish to adopt either of these until we know whether we are going to have a requirement that two candidates be presented for the office of president and president-elect, for any office, because if that is not going to be the case, I don't think we need either of these amendments.

Now, on the question of whether there really is a gap in the filling of vacancies after March 1st, we tackled that proposal because it seemed to us to be illogical to say that the Executive Board could not fill the office of president but it could fill the office of president-elect who, in turn, would become president. It just didn't seem very logical.

MR. WERNER ELLINGER [Washington, D. C.]: After reading these two proposals and hearing the comments, it is still my feeling that there is a gap and the reason seems to be that our Constitution does not provide for the president-elect to serve as the vice-president. The president-elect does not assume office if there is a vacancy in the presidency until the term approaches to which he has been elected.

MR. DRUMMOND: The present Constitution says, "In the case of the death or resignation of the president of the Association, the president-elect shall become president and shall serve until the end of his own elective term." We went through this last year.

MISS FENNEBERG: I would like to ask when these things go out by mail, that the people who get the ballot, so to speak, who have not been present, be made aware that there are these conflicts. In other words, are the ballots to go out with an explanation?

MR. DRUMMOND: The Constitution provides that they are sent their ballots after the publication of the Proceedings Issue of the *Journal,* or that a summary of this discussion be presented with the ballot. It is up to the Executive Board to decide.

MISS FENNEBERG: I think it is very important because it is very possible that they will vote for only one candidate for president, and then vote for an amendment to the Constitution which says two, and I think that ought to be very clearly pointed out.

MR. VERNON SMITH: Mr. President, Miss Fenneberg forces me to make a motion which we have been writing. Subject to the existing requirements, of course, of the Constitution and By-Laws, I move that in the mailing of the ballot for the constitutional amendments there be included, first, a general explanatory statement or statements relative to the several proposed amendments to be prepared by the Secretary; second, that at the option of the sponsors, brief arguments in support of their proposals; and third, inasmuch as certain alternative

amendments are addressed to the same section, that the voting instructions state clearly that both or all of the amendments may be voted against.

MR. WILLIAM B. STERN: I second the motion.

MR. HILL: Mr. President, inasmuch as this material apparently was sent out by the Executive Board, or somebody in the Association, do we have the power in this constitutional assembly to recommit it to those people or that committee?

PRESIDENT MORELAND: We must proceed as the Constitution now reads and I do not see how, under Article VIII of the Constitution, which says, may be proposed by the Executive Board or by a petition signed by 10 percent of the active members of the Association"—I do not see how, under that language, this group here can move to table the amendments by petition or the amendments proposed by the Executive Board. The Executive Board, I suppose, if it went into emergency session, could withdraw its proposals. Mr. Drummond cannot withdraw his petition unless he gets the consent of all the people who signed the petition. The same thing is true of Mr. Piacenza. It is an unfortunate situation.

MR. DILLARD GARDNER: As I gauge the sentiment, irrespective of my own ideas about it, there is a rising feeling that we would do well to continue with no change. If I am correct in that, I think it might be appropriate at this time for this body to vote on whether or not it is your wish that there be any change.

PRESIDENT MORELAND: Might I say, Mr. Gardner, that in this particular section we have two proposed amendments, so that what you will have to give to the membership to vote upon is the choice among the status quo, the Executive Board's proposal or the Drummond petition. Under the Constitution, no proposal will be adopted unless two-thirds of the votes cast are for the amendment, and it seems pretty clear to me that since there is a diversity of view with respect to the two proposals and the desire on the part of some people to retain the status quo, neither one of these proposals is going to get a two-thirds majority. But I see no way that they can be prevented from going before the Association for vote.

MR. ERNEST BREUER: Since the sentiment seems to be that we would like to preserve the status quo so far as the Constitution is concerned, I make this humble suggestion; that those of us who feel that we want to let the Constitution alone at the moment, irrespective of the ballots that go out, vote against every proposition, ask our friends to do likewise, and then later the proper means of having a constitutional convention and going over the proper framework of the Constitution, and so on, can be worked out so that it comes all at once rather than piecemeal and causing a lot of conflict, perhaps. Maybe that would be the better procedure.

PRESIDENT MORELAND: There was a motion adopted on Monday that there be a show of hands with respect to the views of the members present concerning each one of these propositions. I had not yet gotten to the place where we were going to raise hands, but, obviously, that should be done and it

is for the information of the people who are not attending, giving them the number of people who favor one or favor the other. That is part of the information that the membership gets for balloting.

MR. PIACENZA: There are a few of you who have expressed personal opinions. I don't think this is the consensus of the entire group. There are a lot of silent people with the power of one vote and there are a lot of people who are not present, who have that one vote. When all these proceedings are recorded and printed and sent out to the membership, all of you will receive copies with your ballots and then you will vote in your own private office, adequately, according to your own conscience, and please don't be swayed by so-called consensus of opinion here.

MR. EUGENE WYPYSKI [New York, N. Y.]: There is something that I feel should be clarified. Perhaps it is only confusing to me, but that is this: I am speaking about Article VI, Section 2. I understand that we have a choice of voting either for the Executive Board proposal or the Rrummond proposal.

PRESIDENT MORELAND: That is right; or the status quo.

MR. WYPYSKI: To my mind, there is a possibility that a person might be interested in change. He might favor one or the other. However, he might favor either rather than status quo, and I feel that each proposal should be voted on separately, either a yes or no on either, because if a person's first choice is neither, I think that person loses his right to vote for a second choice as against status quo.

PRESIDENT MORELAND: I think you are right but I do not see how you can vote in the alternative. Both of them are before you. This is one of the great difficulties. Suppose you preferred No. 2 to No. 1; can you vote "yes" on No. 1? Are you going to explain your vote: "I want a change and I prefer No. 2 to No. 1, and if No. 2 doesn't get enough votes I will take No. 1." Somebody else may say it the other way around. Both of you have to switch sides. You see the difficulty entailed and I think it cannot be overcome.

MR. WYPYSKI: I appreciate the difficulty but I can also see this problem. It could be a negative way to proceed if we ballot on any proposition by submitting a counter proposition and increasing the volume of strength of a "no" vote.

PRESIDENT MORELAND: It seems to me the principle is clear that we have to do it the way the Constitution says, even though it is unfortunate.

MR. ELLINGER: If two amendments are supplementary, is there any other way to vote on one amendment first and see whether it is adopted, and then vote on the second? I admit that in the case of a mail vote, it is almost impossible to present a choice.

PRESIDENT MORELAND: Of course, if we were amending at a meeting there would be only one proposal because you wouldn't have two motions before the house at the same time.

PRESIDENT MORELAND: Miss Fenneberg raised a very pertinent question and I shall, therefore, ask Mr. Waters to count hands on this side and Mr. Breuer to count hands on this side.

Article VI, Section 1. There are two alternatives. The first one is the one

proposing nine members on the Board by adding an additional elected member each year and by removing the secretary and treasurer from the voting membership in the Board. Therefore, I would ask those who are in favor of that proposal to raise their hands.

MISS ELIZABETH FINLEY [Washington, D. C.]: You mean we are raising hands on Proposal 1 as opposed to the present provision?

PRESIDENT MORELAND: To the present situation, that is right.

MR. MCDERMOTT: What does this show of hands prove?

MR. DRUMMOND: It is to tell the members who are voting by mail how we, here, feel.

PRESIDENT MORELAND: At Monday's meeting a motion was adopted which provided for a show of hands with respect to these various proposals, that to be indicated to the membership when the information goes out concerning these proposals, so that all this is a demonstration of your approval of a particular amendment and it is not a vote on the amendment as such. It is merely an expression of your opinion.

MISS HELEN A. SNOOK [Detroit, Mich.]: Would it be out of order, first, to have a show of hands of those present who prefer the status quo?

PRESIDENT MORELAND: I am getting at it the other way.

QUESTION: Under the Constitution at the present time, in acting on the proposals that are presently made, it would seem to me we should vote on the proposals one against the other, and then put the one we selected against the status quo.

PRESIDENT MORELAND: Let us do it this way. What you want to know is whether you want any change at all. I would like those people who are in favor of the Drummond petition as opposed to the status quo to raise their hands. [8 hands]

Will those who are in favor of the status quo as opposed to the Drummond petition raise their hands? [67]

There were 67 who voted for the status quo; there were 8 who voted in favor of the Drummond petition, so it is clear that of those present, the vast majority felt that the status quo was better than the Drummond petition.

Now I would like to have a show of hands of those who favor the Piacenza petition, which would increase the number of the Board from eight to eleven by adding one more elected member-at-large each year, as opposed to the status quo. All those who favor Mr. Piacenza's petition, increasing the Board from eight to eleven—who would prefer that to the Board of eight, the present number—please raise your hands.

There are 31 who prefer a membership of eleven on the Board to the present membership of eight. I would now like to have those who prefer a membership of eight to a membership of eleven as proposed by Mr. Piacenza raise their hands—in other words, to retain the status quo.

*(Show of hands)*

PRESIDENT MORELAND: Forty-six prefer the status quo to a Board membership of eleven.

Now, if you want me to, I will ask which one of the proposals you would prefer. I will do it if anybody wants me to.

*(Calls of "No.")*

PRESIDENT MORELAND: We will go on to Article VI, Section 2. I would like to make one comment. I think that the Drummond petition is bad because it puts into the Constitution a requirement that two candidates be named for the office of president-elect under certain circumstances. It is, therefore, necessary for the nominating committee to do it. The number of candidates for the other offices is left to the By-Laws. I think, further, that an attempt as late as the first of May or even the first of June, on the part of the nominating committee to find two candidates is something that nobody could expect them to accomplish, and yet they are forced to do it.

I will now proceed to ask those who favor the Executive Board's proposal, which adds the provision that in the event the president-elect cannot assume the duties of president and such fact is known prior to March first, the nominating committee shall nominate a candidate for the office of president for a term of one year (that is a limitation upon the first sentence which provides that the Executive Board shall have the power to fill any vacancy in elective offices except that of president).

Now, who prefers the Executive Board's proposal to the status quo? Those who prefer the Executive Board proposal please raise their hands. *(Show of hands.)* There are 39. How many prefer the status quo as opposed to the provision of the Executive Board *(Show of hands.)* Twenty-nine prefer the status quo to the proposal of the Executive Board.

Now, how many prefer the Drummond petition. How many prefer that to the status quo? *(Show of hands.)* There were 7 in favor of the Drummond petition as opposed to the status quo.

Now, how many are in favor of the status quo as opposed to the Drummond petition, Article VI, Section 2? *(Show of hands.)* Forty-six are in favor of the status quo as opposed to the Drummond petition.

Those figures will go out so that the people who are not here in attendance will have an idea of how people regarded it.

The next is Article IX, By-Laws, which provides "Any by-law may be adopted, repealed, amended or suspended by two-thirds vote of those present and voting at any meeting of the Association:" The amendment adds this: "upon motion presented at a regular business session at least one day before such motion is voted upon."

I would simply comment that it seems a wise thing in view of last year and I would assume that everyone would be in favor of it. Is there anyone opposed to this revision, respecting amending the By-Laws? *(No response.)* Nobody is opposed to it. Therefore, the membership will be told of that fact.

A number of suggestions have been made with respect to amending the By-Laws. The meeting is now open for anyone who wants to make an amendment to any by-law.

MR. MCNABB: Mr. President, I would like to move an amendment to Article III, Section 1 of the By-Laws, which reads as follows. I am starting at the first line:

"Not later than October 1st of each year, the president shall appoint a nominating committee of five members, no one of whom shall be a member of the Executive Board (this is where the amendment I have suggested starts. I was reading the way it was written) and no one of whom shall be a candidate for office at the succeeding election."

In other words, the amendment starts right after the words, "no one shall be a member of the Executive Board," and the amendment which I am suggesting is to add, "and no one of whom shall be a candidate for office at the succeeding election."

The reason I am making that proposal is not because it has happened but because it might happen. I just went through a hassle with a national legal fraternity at which there was a nominating committee appointed of eight members, seven of whom got jobs. And the whole thing sounded so undemocratic to me that I made a verbal protest and was informed that was the proper procedure for those associations, and I am afraid that some of you who are prosperous enough to belong to the type of associations which do that sort of thing will want to carry it over into this Association. I understand it is quite common among golf clubs and union league clubs and other places where self-perpetuation is the order of the day.

I haven't noticed that this undemocratic procedure has taken place here but I am afraid it might and I thought as long as we were amending the By-Laws and the Constitution to provide for a slightly more democratic procedure, we could assure that it would remain in that state.

MRS. BEATRICE S. MCDERMOTT: I will second the motion.

PRESIDENT MORELAND: It is moved and seconded that Section 1 of Article III of the By-Laws be amended by inserting after the phrase "no one of whom shall be a member of the Executive Board," the words, "and no one of whom shall be a candidate for office at the succeeding election."

MR. DRUMMOND: I would like to say one word against that. In the first place, I don't think that we are likely to suffer under the present provision. The second thing is that you open up a very serious danger that the president could kill off anyone as a candidate merely by putting him on the nominating committee.

MR. MCNABB: That is just exactly what I was doing. I think the president can control the succeeding elections by appointing the nominating committee, anyway. I think that is the proper way to operate. I don't think that anyone who is a candidate for office should be on the nominating committee.

PRESIDENT MORELAND: The question has been called for. All those in favor of Mr. McNabb's motion, which would amend Section 1 of Article III, paragraph 1, by inserting the words, "and no one of whom shall be a candidate for succeeding election," will please raise their hands. *(Show of hands.)* Fifty-five people voted in favor of the motion.

Will all those who are opposed to the motion raise their hands? Twenty-

four voted in opposition to that motion. The motion is adopted.

MR. BITNER: This is labeled the Piacenza petition. I was, perhaps, under an erroneous impression as to how to proceed with this when there had been a motion made last year:

> "Not later than October 1st of each year, the president shall appoint a nominating committee of five members, no one of whom shall be a member of the Executive Board, and no one of whom shall be a candidate at the succeeding election, to confirm the president-elect for the presidency and to nominate candidates for the elective positions of president-elect, secretary and treasurer, and membership on the Executive Board. Two candidates for each membership on the Executive Board and for the office of president-elect shall be presented."

I move that Section 1 of Article III of the By-Laws be amended in that manner.

*(The motion was regularly seconded.)*

MISS FENNEBERG: I was one of the nominating committees that first raised that question. At the time, I thought it was very undemocratic, that only one candidate for president be presented. I certainly changed my mind when I had to choose between Carroll Moreland and Dillard Gardner, and I therefore feel that we are doing a great injustice. I think if you look back over the lists of our presidents, there isn't any one of them with whom you would not have been satisfied. I think that in the organization here there is such fine leadership that any one man or any one woman whom we can nominate, or the nominating committee can find, is usually satisfactory to the entire group, and I think, actually, I have changed my mind completely and I now feel that this is not a wise provision.

MR. W. R. ROALFE [Chicago, Ill.]: I have served on three nominating committees and as one who has borne that responsibility (and it is a very painful one), I want to confirm what has just been said. I think we simply have to rely on the sifting process that the nominating committee carries out. I have not served on all of our committees, I don't know whether they have sometimes operated in a smoke-filled room, but I can assure you that the three committees on which I have served have been very serious about the responsibility that they face.

We must also remember that there is also the possibility of circumventing the slate that the nominating committee advances if it is not believed to be right.

I would add just one more thing. We are a relatively small group; we know each other well. It is a very difficult thing, indeed, for a friend to run against a friend, and I am quite certain that on a number of occasions a very competent person has declined to do so. Where he or she has run and has been defeated, that person may, the next time, decline to run if he has to run against a friend again.

It is my belief that anyone in this organization who does a good turn in committee work or other work for the Association puts himself in line and to the extent that it is possible to distribute the most responsible jobs, the

jobs on the Executive Board and the positions of officers, his prospects are fairly good in the end.

PRESIDENT MORELAND: Mr. Bitner calls for the question. A vote for Mr. Bitner's motion will require the nominating committee to name two candidates for the office of president-elect and two candidates for the membership-at-large.

MISS FENNEBERG: Does it say "may" now?

PRESIDENT MORELAND: It says now that two candidates for the Executive Board shall be presented and two candidates may be presented for the office of president-elect. We now have the requirement for the Executive Board member-at-large, but an alternative, permissive arrangement for two for the president-elect.

An affirmative vote, a vote for Mr. Bitner's motion, will make it mandatory that the nominating committee name two candidates for the office of president-elect as well as for the membership on the Board. This latter is at present a requirement of the By-Laws.

All those in favor of Mr. Bitner's motion please raise their hands. *(16)*

All those opposed to the motion please raise their hands. Sixty-eight people voted against the motion. The motion is defeated.

MR. BITNER: Since that motion is defeated, then I want to make this further change in the By-Laws, Article III, Section 1, paragraph 1, the last sentence to read, "Two candidates for each membership on the Executive Board shall be presented and only one candidate may be presented for the office of president-elect."

Now, my original problem last year, which I tried to get clarified (and I was surprised by the action that was taken), was to make it clear that you can't have it one way one time and another way another time. It has to be one or the other. We started with the more democratic means of presenting two candidates and that was voted down. You have defeated that. I think if you are not going to have two candidates all the time, then you should have only one candidate every time from now on, and I am in deep sympathy with the nominating committee. I know they have a difficult time and I think this is the only way to carry that proposition out and eliminate that "may name" two candidates for the office of president-elect.

PRESIDENT MORELAND: Is there a second to Mr. Bitner's motion?

MR. ROALFE: I second the motion.

PRESIDENT MORELAND: Is there any discussion with respect to this motion of Mr. Bitner's which does nothing except make it mandatory that the nominating committee name only one candidate for president-elect? Harry made it clear that he did not like the possibility one year of having one candidate, the next two.

MR. MCNABB: I think that is wrong, again, and the same argument that was given here against my motion of having no one on the nominating committee a candidate for election would apply here. It might happen that your nominating committee would have two candidates between whom they couldn't make a choice and they would present the two to the membership and let them choose.

PRESIDENT MORELAND: Mr. Bitner's

idea is to prevent just exactly that.

MR. MCNABB: I am talking against it and that is my point.

PRESIDENT MORELAND: May I say that I am sure the next nominating committee would like to have some clear-cut action on this matter.

Mr. Marke calls for the question. Will those who are in favor of the motion, which makes the last sentence of Article III, Section 1, paragraph 1, read, "Two candidates for each membership on the Executive Board shall be presented and only one candidate shall be presented for the office of president-elect"—will all those who are in favor of that motion please raise their hands? *(Show of hands.)* Sixty-five voted in favor of the motion. Will all those who are apposed to the motion please raise their hands? *(5)*

Five voted against the motion. The motion carried and we now have that requirement in the By-Laws.

MR. DRUMMOND: I want to make a motion that we amend Article III, Section 2, second paragraph, fourth sentence of the By-Laws, to read: "The candidates receiving the largest number of votes shall be declared elected and shall be so reported at a business session of the annual meeting by the Committee on Elections."

That part is not changed. This is new matter: "and all candidates shall be notified of the result of the election by the Committee on Elections at the earliest practical time."

*(The motion was regularly seconded.)*

MR. DRUMMOND: That is to prevent someone's coming to the meeting not knowing whether he has been elected. I have left out the words, "tabulation of results have to be published," because some people feel they do not want to know by how many votes they were voted down.

PRESIDENT MORELAND: Forrest, would you accept a suggested change that, rather than have the committee inform the successful candidate, the secretary shall inform them? Don't you think that would be better? Actually, it doesn't make much difference.

MR. DRUMMOND: I would rather leave it the way it is. Let the chairman of the committee do it. The time element is pretty close there and if it has to go by mail to one coast and back, and all that, time may be lost.

PRESIDENT MORELAND: Is there a second to Mr. Drummond's motion? It was seconded by Mr. Stern.

It has been moved and seconded. Is there any discussion? Will all those in favor please signify by saying "aye"; opposed. The "ayes" have it.

MR. DRUMMOND: There is one more motion. We ought to establish that quorum. I don't think that is controversial. I move that By-Law II have a new section added as follows: "Section 3. A quorum for a business meeting of the Association shall be a majority of the voting members registered at that meeting."

*(The motion was seconded by Mr. Breuer.)*

PRESIDENT MORELAND: It has been moved and seconded that there be a new section added to By-Law II with respect to meetings, the section to read:

"Section 3. A quorum for a business meeting of the Association shall be a

majority of the voting members registered at that meeting."

MR. ELLINGER: Mr. Chairman, I have no desire to take issue with the principle of this. However, I wonder whether it is realistic. For instance, do we have a quorum now? It is a relative number which would have to be developed immediately prior to the meeting. I wonder whether we should not take an average number, a fixed number, a certain number of persons present, instead, just for practical reasons.

MR. DRUMMOND: The answer is, if you meet in New York you have three hundred members present and if you meet in Seattle you have one hundred. I think this is the only realistic way.

Actually, we have never voted with a quorum because it means the whole membership of the Association in the absence of a provision in the By-Laws.

MR. ELLINGER: This can be verified, I may be wrong, but I thought that if there is no provision in the By-Laws, the majority of the members actually present at a meeting represent a quorum.

PRESIDENT MORELAND: As it now happens, we have 255 people registered, so that a quorum of that number would be 128.

MR. ELLINGER: Just as an example, the ABA provides for a quorum of 300 members for a membership of 300,000.

PRESIDENT MORELAND: It doesn't make any difference how many attend the meeting because you only have to have a majority of those present and registered.

I am in considerable sympathy with this because it seems to me that when the Association transacts business at least half of the people who come to the convention ought to be here in order to transact it. A quorum deals only with business meetings of the Association. All those in favor please signify by saying "aye"; opposed. The "ayes" have it.

## LIFE MEMBERS

MR. BITNER: Mr. President, I should like to make a motion that we elect the following persons for Life Membership in the Association: Lois Moore, Tax Court, Washington, D. C.; Miss Ethel M. Turner, Massachusetts State Library; Miss Lucile Elliott, North Carolina University School of Law; A. Mercer Daniel, Howard University School of Law.

(*The motion was regularly seconded.*)

PRESIDENT MORELAND: It has been moved and seconded that Miss Lois Moore, Miss Ethel Turner, Miss Lucile Elliott and A. Mercer Daniel be elected Life Members. Will all those in favor signify by saying "aye." There is no opposition. They are elected Life Members.

*Following announcements, the meeting adjourned at twelve-twenty o'clock.*

## THURSDAY LUNCHEON

June 28, 1956

*The closing luncheon was held in the Oak Room, Bellevue-Stratford Hotel. President Moreland presided and introduced the new members of the Executive Board and the new life members (all of the latter being pres-*

*ent except Miss Lucile Elliott). President Moreland then introduced Dr. John H. Powell, author and historian, of Philadelphia. Dr. Powell presented a paper, "Mr. Dallas Reports the Courts." It is planned to publish this paper in a subsequent issue of the Law Library Journal.*

*After the luncheon, busses left the Bellevue-Stratford Hotel at three o'clock in the afternoon for a trip to Valley Forge.*

# A.A.L.L Committees 1955-57

### Cataloging and Classification

Elizabeth Benyon, *Chairman*
Frances K. Holbrook, Mrs.
Werner B. Ellinger
Pauline A. Carleton
Margaret M. Moody
Jerry W. Dye
Helen C. McLaury
Winnifred R. Reid, Mrs.
Carleton W. Kenyon
Robert Lynch
John Ki
Myron Jacobstein

### Chapters

Frances K. Holbrook, Mrs., *Chairman*
Sarah Leverette
Margaret S. Andrews, Mrs.
Meira G. Pimsleur, Mrs.
Lillian C. McLaurin
Frank DiCanio
Lois E. Peterson

### Federal Agency Activities (formerly Civil Service Positions)

William H. Crouch, *Chairman*
Lillian C. McLaurin
Charles Hallam, Jr.
Virginia Dunlap, Mrs.
Mary K. Sanders
Rebecca L. Notz
C. Robert Gibbs
Walter H. Zeyde
Frank Dwyer
Harry Bitner
Huberta Prince, Mrs.

### Education

William D. Murphy, *Chairman*
Ernest H. Breuer
Phillis Keeny, Mrs.
Roy M. Mersky
Chester Dunton
*Representative of AALL* on ALA Joint Committee "Library Work as a Career: Thomas S. Checkley
*Representative of AALL* on Nat Library Associations Joint Committee "Education for Librarianship": Julius J. Marke

### Placement

Marian G. Gallagher, Mrs., *Chairman*
Hibernia Turbeville
Dorothy Salmon
Virginia Engle
Frances S. Henke, Mrs.
Beatrice S. McDermott, Mrs.
Elaine Teigler
Frank DiCanio
Dennis A. Dooley
C. Robert Gibbs
Ethel Kommes
Sarah Leverette
Robert W. Lewis
Julius J. Marke
Eda A. Zwinggi

### Exchange of Duplicates

Doris R. Fenneberg, *Chairman*
Marie K. Lawrence
Jane Hammond
Frederick D. Donnelly
William B. Scott
Verna E. Baertschy
Eva G. Davis, Mrs.
Alberta V. Heagle

Myrtle A. Moody
Bertha M. Rothe

FOREIGN LAW

William B. Stern, *Chairman*
Kate Wallach
K. Howard Drake
Sadao Matsuyama
Choung Chan
Dr. Jaroslav Jira
Josefa Jimenez-Guardiola, Mrs.
Rafael Cintron

INDEX TO LEGAL PERIODICALS

Forrest S. Drummond, *Chairman*
Fannie J. Klein, Mrs.
Richard Sloane
Harry Bitner
Dorothy E. Hayes
Carroll C. Moreland
George A. Johnston
Earl Borgeson

LAW LIBRARY JOURNAL

William B. Stern, *Chairman*
Dorothy B. Salmon
Riley Paul Burton
Marian Gallagher, Mrs.
Harriet L. French
Dorothy Scarborough
Earl Borgeson

LIST OF LAW LIBRARIES

Iris Wildman, *Chairman*
Jessie T. Smith
Robert W. Cryder
Lois I. Baker
Viola M. Allen
Barbara B. Mansell, Mrs.
Reginald J. Furness

MEMORIALS

Libby Jessup, Mrs., *Chairman*
Michalina Keeler, Mrs.
Laurie Riggs
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A. Mercer Daniel
Helen Newman
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MICROCOPIES

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Joseph Andrews
Vincent E. Fiordalisi
Dorothy E. Hayes
Charles A. McNabb
Roy M. Mersky
Mabel M. Smith
Albert Boni
A. Ross Kitt
Fremont Rider
William Wheatley
} Advisors

NEW MEMBERS

Vera R. Carlsson, Mrs., *Chairman*
Vera Woeste
Thomas E. Poe, Jr.
John Vanston
Edith C. Dahl
Leon M. Liddell
Edith Hary

NOMINATIONS AND ELECTIONS

Elizabeth Finley, *Chairman*
William R. Roalfe
George A. Johnston
Julius J. Marke
Vincent E. Fiordalisi

PUBLICITY

Jean Ashman, *Chairman*
Vera R. Carlsson, Mrs.
Mortimer D. Schwartz

SCHOLARSHIPS

Virginia Knox, *Chairman*
Bernita J. Davies, Mrs.
I. Albert Matkov

Jeanne Tillman
Sarah Leverette
Dorothy Klofkorn, Mrs.

APPLICATION OF MECHANICAL AND SCIENTIFIC DEVICES TO LEGAL LITERATURE

Albert Blaustein, *Chairman*
Vincent E. Fiordalisi
Richard Sloane
Frederick D. Donnelly
Peggy A. Leininger
J. Myron Jacobstein
Roy M. Mersky
AALL Representative—ALA Joint Committee on Microcards and NLA ASA Joint Committee PH-5 Microreproduction;
Joseph Andrews

INDEXING FOREIGN LEGAL MATERIAL (With other interested groups)

Sidney B. Hill, *Chairman*
William B. Stern
Werner B. Ellinger
Rudolph Heimanson
Choung Chan
Stanley Bougas
Carroll C. Moreland

POLICY

Carroll C. Moreland, *Chairman*
Forrest S. Drummond
Marian G. Gallagher, Mrs.
Jean Ashman
Helen Newman
Frances Farmer
Margaret E. Coonan

PUBLICATIONS

Frances Farmer, *Chairman*
Betty Virginia LeBus
Joseph Andrews
Eva G. Davis
Elizabeth Finley
Ruth Corry
Lois H. Dean, Mrs.

JOINT COMMITTEE TO COOPERATE WITH ASSOCIATION OF AMERICAN LAW SCHOOLS

Louis Piacenza—1957, *Chairman*
Stanley Bougas } (Three year
Philip A. Putnam } terms)

PARLIAMENTARIAN

John C. Leary

AALL REPRESENTATIVES

*American Library Association*
A.L.A. Council
William R. Roalfe
A.L.A. Joint Committees
Board on Bibliography
Erwin Surrency
Government Publications
Kurt Schwerin
Library Work as a Career
Thomas S. Checkley
Microcards
Joseph L. Andrews
Union List of Serials
Bertha M. Rothe
Reporter, Descriptive Rules of Law Cataloging
Werner B. Ellinger

COUNCIL OF NATIONAL LIBRARY ASSOCIATIONS

C.N.L.A. Council
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C.N.L.A. Joint Committees
Joint Committee on Education for Librarianship
Julius J. Marke

Committee for Protection of Cultural and Scientific Resources
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Committee Z39—Library Work and Documentation
Freada A. Coleman
Subcommittee on Indexing
J. Myron Jacobstein
Joint Committee on State Law Index
Kurt Schwerin
Joint Committee to Study Relations between Libraries in the U. S. and the Federal Government
Arthur A. Charpentier

# CURRENT COMMENTS

*Compiled by* LOIS PETERSON, *Assistant Librarian*
Social Law Library, Boston

*Long range plans for New Serial Titles,* the successor to the "Union List of Serials", announced by the ALA Joint Committee on the Union List of Serials are: (1) the 1955 final issue will be the last cumulation in the first series; (2) the annuals from 1956-59 will be self-additive starting with a one-year cumulation in 1956; (3) there will be a total cumulation in 1960; (4) this pattern, eventually ending with 10-year cumulations, will be followed every decade; (5) serial publications in Oriental languages will be incuded, commencing with Chinese, Korean and certain Indic languages and embracing others as soon as rules for transliteration, cataloging, etc., are standardized; (6) *New Serial Titles* will not undertake at present any limitation on the number of locations given for its entries.

Fred B. Rothman and Oceana Publications anticipate that *Law Books in Print* will be *ready for publication in the spring of 1957*—"if all goes well." The proposed work, which will be on the style of the "United States Catalog" or "Cumulative Book Index," is to be edited by Myron Jacobstein, Assistant Law Librarian at Columbia.

Information covering author, title and subject (in a dictionary arrangement), imprint, pagination or number of volumes and price will be supplied, including, it is hoped, everything in print in the United States, Great Britain, Ireland and Canada. Since plans are at such an early stage, the size and price of the work has not been determined.

Information concerning the *history and objectives of NACCA Law Journal* and the National Association of Claimants' Compensation Attorneys was published in the June, 1956 issue of the *Kentucky State Bar Journal.*

An editorial on page 125 refers to remarks by Thomas H. Lambert, Jr., present editor of *NACCA,* as regarding "that which NACCA is doing is being done in the name of justice for the claimant. Whether this is in fact the predominant motivation will, perhaps, vary from case to case." The editorial says the effectiveness of this policy "is reflected by the increase in the size of personal injury judgments and settlements."

At the territorial primary election held April 24, 1956, the people of *Alaska* overwhelmingly approved the *Constitution* drafted by the Constitutional Convention (Dec., 1955—Feb., 1956) for use if Alaska becomes a state. Also accepted was the proposal to elect two "senators" and one "representative" in 1956 to attend the U. S. Congress, although, of course, they

cannot be regular voting members of that body unless statehood is achieved.

Alaska's Constitution omits county government. Article X, Sections 2-5 provide for "maximum local self-government" run by a "minimum of local government units," with unit powers vested in cities, boroughs (organized and unorganized) and service areas. Boroughs are to be formally established only when needed, as much of Alaska will not require two layers of urban administration for some time to come. Service areas, which may be established by a borough or by the state legislature in an unorganized borough, can be altered or abolished by its creators when their special usefulness is ended. In the second case, a service district automatically becomes integrated with a borough upon the latter's organization.

Tax privileges are to be delegated to cities and active boroughs only. The state legislature, before authorizing such powers, must consider their necessity and functions in each specific instance to prevent duplication of taxes, offices, etc. No debt may be contracted by any political subdivision of the state unless allowed for capital improvements by its governing body and ratified by a majority vote of those qualified to vote and voting on the question. Boundaries of cities, boroughs and service areas are subject to change in accordance with the procedures prescribed by the Local Boundary Commission in the executive branch of the state legislature.

The Judiciary Article (IV) provides for a unified judicial system comprised of a supreme court, a superior court and courts established by the legislature. All judges are to be selected by the governor from a panel of qualified candidates submitted by the seven member Judicial Council. Three years after appointment, supreme and superior court justices are subject to approval or rejection by the electorate on a non-partisan ballot. Thereafter, each supreme court justice shall be subject to approval or rejection in a like manner every tenth year, and each superior court judge, every sixth year.

The *Alaska Bar Association* held its *first annual meeting* late in May of this year at Ketchikan.

Some of the ramifications of the numerous *Antartic claims* made by various nations are considered in two articles written for the July, 1956 *American Journal of International Law*. Claims and counterclaims aired in *The "American" Antartic* and *Soviet Attitudes Towards the Acquisition of Territorial Sovereignty in the Antarctic* serve to illustrate the complexity of a touchy situation which, at the present stage, is emotionally embroidered with charges of "colonialism," " region of attraction," "sectorism," "possession," etc.

The author of the first article, Robert D. Hayton of Hunter College, believes that in the final settlement of Antartic claims, international politics will play the major role. "The best the advocate of international law can hope for is *some* attention to legal form and procedure and a *little* to substantive rules and principles. It can be hoped that settlements will be reached peacefully through estab-

lished or *ad hoc means.* It can be hoped that the most extreme and fanciful claims will be dropped or finally denied fulfillment." However, "present trends indicate very little likelihood of international control either under the United Nations as a kind of exceptional, non-inhabited trusteeship, or under a condominium of the claimants."

The *importance of Books for the Orient,* the program now distributing surplus United States law books among Asian legal centers (see Current Comments, Nov., 1954), is made clear upon reading the July, 1956 issue of *Library Trends* which is a symposium on American books abroad.

Generally speaking, in Ceylon, Pakistan and India, a five dollar American book would cost 25 rupees (about $25.00), nearly as much for an instructor as the price of rent or food for a month. Even books in the vernacular are so dear that in many instances librarians are held personally and financially responsible for the volumes under their supervision. The situation throughout the rest of Asia is quite similar except, of course, for China.

If the difficulties connected with publishing, wholesaling, importing and language are added to this, it may be appreciated what obstacles are overcome by distribution of duplicate law books, as well as something of the value such a program can accomplish.

Reports on the progress of *Books for the Orient* may be found in the July, 1956 *American Bar Association Journal* on page 696, and in the *Journal of the American Judicature Society* for April, 1956 at pages 180-181.

With the signing of the Convention of the Settlement of Matters Arising Out of the War and the Occupation in May, 1955, the *Court of Restitution Appeals* of the Allied High Commission *for Germany* became an international organization and is now the Third Division of the Supreme Restitution Court, Nurenberg. Financial responsibility for the new tribunal has been assumed by the German Government.

The opinions of the successor court are being published in book form. Costs will probably run between $4.75 to $6.45 per volume, depending upon the number of pages required, production expenses, etc. The previous set of *reports* covering Opinions 1-483; 1951-55, is now *complete in 5 volumes.*

The *Los Angeles County Law Library* has offered to send the *bibliographies* which it compiles at intervals throughout the year to interested law libraries. A few of the lists are slanted toward the needs of California attorneys, of course, but most of them are broad enough to be of value to legal researchers—some, for instance, appear from time to time in the *Practical Lawyer.*

Subjects treated extend over a wide range of the law and related fields from various, sometimes specific, aspects and often contain pamphlet and periodical material in addition to books. Recent subjects covered include: patents; trademarks and unfair competition; criminal law and procedure; income tax law; water law;

atomic energy; juvenile delinquency; treaties; and negligence actions.

The Library has also completed a new 77 page edition of "Adaption of the Benyon Class K Law Classification for Use in the Los Angeles County Law Library," corrected to February 15, 1956.

During April, 1956, the *Cromwell Library* issued the first number of its *Recent Acquisitions List.* Edited for the purpose of supplying a regular, bimonthly source of information on publications about or by the legal profession, the list has been distributed to 250 law libraries and bar associations. No other book list covering publications in this field is regularly available.

Through the medium of the newly inaugurated *American Bar News* which made its *debut* with the July 15, 1956 number, the American Bar Association hopes to better inform its greatly expanded membership regarding current Association activities. The four page bulletin will disseminate information concerning the work of the various Sections and committees, as well as other items covering the entire range of ABA interest—legislation, services, research, actions of the Board of Governors and the House of Delegates, etc.

With the initiation of the *American Bar News,* the *Coordinator and Public Relations Bulletin* becomes a monthly instead of a semimonthly with a circulation more or less limited to about 5,000 state and local bar officials, public relations chairmen and to members of the ABA "official family" listed in the Red Book directory, all of whom now receive the *ABA News* as well.

*Lawyers in the U. S.—Distribution and Income* now *being edited by the Cromwell Library* in the American Bar Center, analyzes three Martindale-Hubbell statistical reports compiled since 1949 so as to give a picture of shifts in lawyer population and income. It should be off the press by October of this year.

*American Documentation* for July, 1956 published a survey made for the Bar Association of St. Louis (Mo.), and the Law Library Association of St. Louis, by J. Raymond Dyer, Esq., of that city entitled "Report on the Practical Utilization of its Recorded Knowledge by the Legal Profession."

In it Mr. Dyer delineates the need of *machine aids in* the field of *legal research*—a problem that has hardly been approached. A straw in the wind seems to point to sound and voice recordings of decisions. Vast amounts of material could be "searched" by a machine that would "listen to words uttered in machine language, fed it at high-speed input possible with magnetic tape, and having sensed what was being looked for, if it were there, would ring a bell or wave a red flag, or do whatever it was constructed to do when retrieval was accomplished."

Any successful ideas developed along these lines must, Mr. Dyer believes, have the integrated cooperation of law libraries and bar associations. The hour is already late, he warns.

The School of Library Science of

Western Reserve University in cooperation with the Cleveland Public Library and Special Libraries Association is carrying out a unique *seminar program designed for everyone interested in* and concerned with the *effective management of recorded information*. The project is an outcome of the Conference on the Practical Utilization of Recorded Knowledge held at WRU January 16-18, 1956.

Four series of courses (Oct. 29–Nov. 2, 1956; Feb. 4-8, 1957; May 20-24, 1957; Summer 1957) cover such subjects as: Documentation Survey; Machine Aids to Librarianship; Machine Literature Searching; Special Libraries; Report Writing and Technical Editing; Operations Research Approach; and Theory of Classification. The first three series, A-C, combine these seven subjects which may be attended as desired. The final Series D will be a comprehensive two-week summer seminar including all of the courses, the exact dates of which are to be announced.

Information should be requested from Jesse H. Shera, Dean, School of Library Science, WRU, Cleveland 6, Ohio.

During the fiscal year 1956, the *Order Department of the Library of Congress* initiated a *program* designed *to simplify order procedures* by placing the Library's periodical subscriptions on a 3-year payment basis to reduce the volume of paper work involved in subscription payments, invoice records, correspondence, etc.

A telecommunications ordering system which utilizes the teletypewriter communications network of the Public Buildings Service (GSA) has also been developed. By teletyping orders it is possible to accelerate the inflow of back material, handle rush items more quickly and less expensively and eliminate the preparation and processing necessary under a mail-order system. In addition, because the new plan provides immediate information regarding material being sent, expenses contracted may be more accurately and rapidly determined—a tremendous aid in checking budget balances.

Karl N. Llewellyn, Professor of Law at the University of Chicago expresses his beliefs concerning the "integration-with-the-social-sciences" basis of legal research in a lively article *On What Makes Legal Research Worth While* which appears in the *Journal of Legal Education*, vol. 18, no. 4, 1956 at pages 399-421. He also touches upon the "purpose, need, possibility, price and personnel" angles of the subject.

In a doctoral dissertation in June, 1956 to the Graduate Library School of the University of Chicago, John M. Dawson, Assistant Director of the University of Chicago Library supplies some information on *what happens to LC cards after they leave Washington*.

Although law library statistics as such do not figure in the study, it is interesting to note some of Mr. Dawson's conclusions for comparative purposes, general and limited though they may be. His remarks are based on an analysis of reports of all materials cataloged by 10 of the 12 largest uni-

versity libraries in the country for the fortnight December 1-14, 1952; 5, 142 titles.

It was found that LC cards, on the average, were used in cataloging 52% of the titles involved, and could have been used for nearly 60%. Actually, the participating libraries used LC cards for a low 31% in Teutonic literature and for only 47% in the humanities as a whole. Even for American publications the rate went up to only 67%, while for German publications it dropped to 39%. Meanwhile, for Australian and Oceania it was 82%. Looking further, a very considerable proportion of the LC cards now being used by research libraries do not represent LC's own cataloging, but rather are the result of cooperative cataloging. Thus, cooperative cards formed 16% of the total used in the sample. For books in the humanities, they constituted 22%, while for books in foreign languages they made up over a third of the total.

The study also found that 47% of the LC cards used were put to use without change. Changes in the remaining 53% were frequent, however, leading to an overall rate of 0.8 changes per card. Libraries differed extremely in the extent of adaptions made, the rate of the greatest LC-card-changer being all of 7 times that of the least.

The author concluded that the present LC card service falls considerably short of the goal of a central service, but also that libraries making use of the cards have failed to adapt their operations so as to utilize any centralizing service. Although he offers no recommendations, his implications are clear, and he outlines areas for further study.

The year 1954-55 was an interesting year for law books on the auction block. About 150 items of legal interest were sold and reported in *American Book Prices Current, 1954-55*. The most costly item reported, a two page supplement to the Virginia Gazette of July 5, 1776, containing the Virginia State Constitution brought $550. Another colonial item, a New Jersey *Bill in Chancery at the Suit of John, Earl of Stair and others against Benjamin Bond,* printed in New York, 1747, realized $425, in an uncut condition. *The Proceedings of a Board of General officers respecting Major John Andre,* printed in Philadelphia, auctioned for $410. It was the trial of the spy who carried messages to Benedict Arnold. *The Acts and Laws of Connecticut,* printed by Green at New London, 1715, sold for $400. Blackstone's *Commentaries,* 1st ed., brought only $110, compared with $140 paid for the Hersholt copy the year before. Likewise, Stephen J. Field's *Personal Reminiscences* brought only $22, less than its $27 paid for the Hersholt copy the previous year. Civil War interest was reflected the *The General Orders, Department of the Gulf,* New Orleans, 1864, which was priced at $27. The *Journal* of the 1st Senate of the United States sold for $40. Among association items, Aaron Burr's copy of Bentham's *Principles of Morals and Legislation* sold for $25, while Joseph Story's *Inauguration Discourse* inscribed to Edward Everett, brought only $8.

Other noteworthy items and prices were: Lord Lovat's *Trial for Treason*, 1747, $25; *Assizes of Bread with Ordinances for Bakers and Brewers*, London, 1661, $57; *Decree of the Star Chamber*, 1633, $85; and *Ordinances Royaulx de Ville de Paris*, 1528, $50. Two copies of the *Traite de Amitie et de Commerce* between France and the United States, 1778 were sold, the American edition realized $85 and the Paris edition, $70, both were uncut. The book of particular interest to law librarians was the late John Vance's *Background of Hispanic American Law* which sold for $6. Rare books of legal interest were more numerous than in the previous year, and prices were generally higher than before. (Contributed by John W. Heckel)

A *permanent Congressional committee to deal with* the subject of *administrative procedures of the Federal Government* is *under consideration in Congress*. Hearings on H. Res. 462 (84th Cong., 2d sess.), held May 22-24, 1956 before a special House Rules Committee subcommittee, contain pros and cons concerning the standardization of the procedures of over 70 Federal administrative agencies, including 10 departments. These agencies issue laws exceeding in output the volume of statutes annually adopted by Congress, and some 20 of them conduct more trials than all of those reported by the Federal district courts combined.

The creation of such a permanent committee was first proposed by the Section of Administrative Law of the American Bar Association. At present, this body is working with the Association's Special Committee on Legal Services and Procedures planning a series of suggestions regarding passage of legislation on the matter to present to the 85th Congress when it convenes next January. It will be the most far-reaching legislative program advocated by the ABA in many years.

A *compilation of Copyright Laws and Treaties of the World* has been completed after three years work by UNESCO, with the cooperation of the U. S. Copyright Office and the Industrial Property Department of the Board of Trade of the United Kingdom. The looseleaf volume of about 2,000 pages contains the text, in the original English or especially prepared English translation, of the copyright laws, regulations, orders, etc., of 85 countries in addition to international treaties and conventions on copyright as in effect on January 1, 1956.

For sale by the Bureau of National Affairs, Washington, D. C., for $97.50, the work will be kept up to date by annual supplementary material.

A *complete set of regulations concerning U. S. copyright*, dating *from 1874*, which the Copyright Office Librarian, Mrs. Wilma Davis, recently compiled for the Copyright Office Library, has been *reproduced on microfilm*, with a table of contents for the 33 items in the collection. This accumulation of regulations provides an interesting historical document on the administration of the copyright laws in effect during 8 decades. Positive microfilm copies may be procured from the Photoduplication Service of the Library of Congress at a cost of

$6.50 each. Photoprint copies, 8"x10" in size, will cost $155.

Public Law 619 (84th Cong., 2d sess., approved June 25, 1956) amends the *Federal Register Act* so as to provide for the effectiveness and *notice to the public of proclamations, orders, regulations* and other documents in a period *following an attack* or threatened attack *upon the continental United States.* Under such conditions, the President may suspend any or all of the requirements of law or regulation for filing documents with the Federal Register Division and/or cease their publication in the *Federal Register.*

Such suspension shall remain in effect until revoked by the President or by concurrent resolution of the Congress. Compliance with alternate systems used for publicizing such as the press, radio, etc., will have the same force and effect as filing with the Division or publication in the *Federal Register.* Agencies used must preserve the original documents and two duplicate originals for filing with the Division when the President determines it is practicable to do so.

The American-British Law Section of the *Law Library of the Library of Congress* served in the neighborhood of 52,000 readers during *1955-56:* nearly 49,000 in the Anglo-American Law Reading Room in the main building and 3,700 in the Capitol Law Library. All in all these patrons used over 250,000 books. As many as 42,424 inquiries were answered and 1,200 conferences were held with individuals seeking special assistance. In its telephone reference work, the Section handled more than 14,000 questions, half of which emanated from Congress. Percentage-wise, 94% of the Senators' offices and 35% of the Representatives' offices utilized the facilities in the Law Library in the Capitol. Books lent outside of the Library numbered 9,739.

A definite gain was registered in reducing arrearages of unprocessed law materials; some 1,200 volumes were taken from the accumulation and made ready for service. More than 11,000 volumes of newly received material were classified and placed on the shelves. Approximately 80,000 cards went into the Law Library catalog, including 17,000 entries from a backlog awaiting filing. Over 1,400 volumes went to the bindery.

Statistics of the other main divisions of the Law Library were equally interesting. The Far Eastern Section brought a sizeable amount of monographic material in the Japanese and Korean law collections under inventory control. In the reference field, it served 193 readers, answered 163 inquiries and held 143 advisory conferences. Of the 409 telephone requests for information and loans received, 47 came from members of Congress, 237 from Government agencies and 125 from attorneys and scholars. In addition to its regular correspondence, the Section completed 74 pages of legal translations, 97 pages of legal memoranda and 124 pages of special studies.

The Foreign Law Section prepared several works for publication as part of the Mid-Eastern Law Project being conducted under a grant from the

Free Europe Committee. *Church and State Behind the Iron Curtain* was completed as were the Hungarian, Bulgarian and Czechslovakian volumes of *Legal Sources and Bibliography*. Considerable progress was made in the preparation of *Government, Law and Courts Behind the Iron Curtain*. Work done pursuant to Congressional requests assigned to the Section included answers supplied to 254 inquiries from 135 Senators and Congressmen. In 191 instances the answers were given in writing.

A total of 3,200 books and pamphlets was added to the collection of the Latin American Law Section. In addition, 11,881 issues of gazettes and newspapers for use in maintaining a current card index to legislation were recorded requiring 5,683 entries to accommodate them. Readers using the Division's service numbered 2,425.

According to the annual report of the *Harvard Law Library* (Its "Information Bulletin," July, 1956), the sum of $84,262.90 was spent for acquisitions during the fiscal year *1955/56*. Compared with 1954/55 figures, this total is some $300 less due to a decrease in European, Latin American and Asian continuation expenses. Anglo-American continuation costs were up, however—$40,384.21 against $39,923.56. Treatise expenditures increased also: $28,968.63 compared with $26,510.23.

Volumes added to the Library numbered 26,850, a 2,854 rise over 1954/55. Of these, 15,810 were purchased; 9,265, received as gifts; and 1,775, obtained through exchange, making the total number of books in the Library as of June 30, 1956: 856,180.

The Catalog Department handled 29,062 items (minus continuations) and produced 166,134 catalog cards—41,480 printed; 80,746 reproduced; 43,908 typed. Trays in the public catalog received 146,250 new cards.

The Reference Department filled 204 requests for 8,168 pages of photostats. It sent 525 volumes to outside libraries on interlibrary loan while borrowing 378 volumes in return. In addition, it answered 110 requests for information by letter.

Treasure Room statistics showed that 197 patrons used its service, not including the 264 visitors received. Its specialized circulation was 665.

A sketch of the *Wisconsin State Law Library*, written by Gilson Glasier, Secretary of the Wisconsin Bar Association for the August, 1956 issue of the *Wisconsin Bar Bulletin*, tells something of that institution's history, service, use and role in the community.

Canadian librarians are very much aware of the relationship of LC's *cataloging activities* to those of other libraries, and they have been looking forward with interest to learning what assistance in cataloging might be expected from the developing policies of the *National Library of Canada*.

National library cards representing entries in the Library's regular catalog will probably not be issued. "Competition with the Library of Congress card service would be senseless," although a selection of entries may be considered.

Now that cataloging for the Library is underway, far reaching decisions are

necessarily being made. Limitations of space and time require that a great many books go on the shelves in large groups, but close classification is essential as a basis for bibliography. Alphabetical subject headings scatter the material, however, and if an elementary classification were used on the shelves, the shelf list would not be of much value from the subject point of view. The National Library must be a bibliographical center, so there is need on one hand for a broad classification for shelving and on the other for a close classification for bibliography.

A classed catalog is being adapted to fulfill all of these conditions. It uses classification numbers (U.D.C.) instead of verbal subject headings, "each book being given as many numbers as it would have subject headings and none of them necessarily bearing any relation to the call number of the book label." The catalog consists of four separate parts, an author/title file, a classed catalog and two indices of the subject catalog, one English and one French.

The above experimentation, as well as other questions relating to broad policies concerning Canada's National Library are outlined in "Cataloguing and the National Library" published in the April, 1956 *Bulletin* of the Canadian Library Association.

A special ceremony on June 19, 1956 marked the *reopening of the library of the Canadian Parliament.* The structure was burned in 1952.

The *Nova Scotia Center for Legislative Research* was the first cooperative project of its kind to be undertaken by a government in conjunction with a law school as an experiment in both public service and legal education. Its immediate functions are to provide law students with experience in methods of research and drafting essentials for effective legislation and to make the result of their work available to the legislature. Its long range aim is to keep Nova Scotia laws under objective, politically disinterested study with the idea of discovering how to develop them best to fit the needs of the province.

Basic research for, as well as the first draft of, the *1954 Revised Statutes of Nova Scotia* were accomplished under this plan. In addition, numerous acts have been prepared at the Center. Some that have made significant changes in the law of the province are the *Proceedings Against the Crown Act of 1951*, the *Societies Act of 1953*, the *Survival of Actions Act of 1953* and the *Interpretation Act of 1954.* More recent projects include final draft sections of the *Uniform Wills Act* and the *Highway Traffic Rules of the Road.* Work toward improving legislation regarding the adoption of children, the simplification of conveyances of interests in land, the modernization of the administration of estates, the Statute of Frauds and the improvement of judicial procedure is in progress at the present time.

The Center was established at Dalhousie University in June, 1950. Dean of the Faculty of Law at the University, Horace E. Read, describes its labors and accomplishments in the June, 1956 *American Bar Association Journal* at pages 572-574.

The *District of Columbia held* its *first election since 1873* on *May 1, 1956* in accordance with Public Law 376, 84th Cong., 1st sess., approved Aug. 12, 1955. No public office was at stake, however. The election was solely of Republican and Democratic party officials and of delegates to the national conventions who represented their constituents at Chicago and San Francisco. Those chosen to be national and district committee officials will carry out party responsibilities only.

Washingtonians feel the voting was a step in the right direction. With election machinery set up and functioning, it is hoped that next time the voters will be selecting more than just party officers.

Cyril K. Byrd and Howard H. Peckham are the compilers of *A Bibliography of Indiana Imprints, 1804-1853* (479p.), which was published in 1955 by the Indiana Historical Bureau as vol. 35 of its *Indiana Historical Collections.* Among the 1,984 titles recorded, there are session laws, revised statutes, separate printings of single laws, supreme court reports, official documents on the constitutional convention and House and Senate Journals.

Omitted, however, are the "documents comprising the so-called *Documentary Journals,* the General Assembly catch-all that was edited and published beginning in 1835." The compilers felt that they are numerous enough to justify a separate work.

A new *water conditioner* that is *designed to prevent scale and corrosion formations* in boilers and water systems without the use of chemicals is manufactured in sizes handling from 6.5 to 1750 gallons of water per minute. It can easily be connected to standard pipes ranging from ¾" to 12". There are no moving parts, no expensive servicing either in the form of labor or chemicals. The conditioner may be applied to air-conditioning systems as well as boilers. For details, write to Packard Water Conditioner Division, Inc., 2220 W. Beaver St., Jacksonville 9, Fla.

The January-March, 1956 number of the *Federal Bar Journal* is devoted to articles describing the *Securities and Exchange Commission's* role in the business life of the nation and to the manner in which it carries out its *statutory functions.*

During the *ALA* Miami Beach Conference (June 17-23, 1956) the ALA Board of Education for Librarianship *accredited graduate programs in library science* at the Library Schools of the Universities of Minnesota, Oklahoma, Southern California at Los Angeles and Western Reserve University.

The *Illinois State Bar Association Quarterly Bulletin,* predecessor of the current "Illinois Bar Journal" (Its vol. 1-20, no. 1; 1912–Oct. 1932), is *available on microcards* to interested law libraries at cost. This set, consisting of 16 cards, which may be purchased for $4.00 from the Cromwell Library, American Bar Foundation, 1155 East 60th St., Chicago 37, is the first of a series of out-of-print bar publications

to be reproduced by the Foundation. Others will follow in the near future.

An interesting reference book recently acquired by the Law Library of the Library of Congress is *Travel Abroad—Frontier Formalities.* The looseleaf volume was published jointly by UNESCO and the International Union of Official Travel Organizations in 1955, and contains information on questions relating to passports, visas, custom formalities, allowances, health regulations, currency restrictions, vehicles and facilities of educational travel for almost every country in the world.

*The Legal Status of the Librarian* ("Library Journal," Sept. 1, 1956, p. 1847-1852) is concerned with the rights of, and courses of legal action open to, librarians involved *in censorship cases* from the viewpoints of freedom to circulate materials and job tenure. Charles D. Johnson, a partner in the Cleveland law firm of Baker, Hostetler & Patterson, discusses recent cases on the subject, including two Fifth Amendment actions which he feels are applicable.

Morally speaking, Mr. Johnson says "we must be far more aggressive in teaching and encouraging the use and study of the available material. One of our greatest troubles in the past has been our failure to read and profit from the writings that were freely available. More people, particularly statesmen and politicians, should have read *Mein Kampf* and taken it seriously. Marx and Lenin have stated Communist intentions and objectives plainly but so far, we don't seem to have taken them seriously."

The text is the content of a paper read by Mr. Johnson before the last annual Library Symposium, held at Kent State University, Kent, Ohio.

# MEMBERSHIP NEWS

*Compiled by* FRANCIS B. WATERS, *Librarian*
New York Court of Appeals Library

MISS HELEN M. BURNS, Assistant Librarian of the Federal Reserve Bank of New York Legal Department, is a graduate of the College of Notre Dame of Maryland (A.B.), Drexel Institute of Technology (B.S. in L.S.), and is now working for a M.A. degree in history at New York University. She has served as an Assistant Branch Librarian of the Brooklyn Public Library and was librarian of the Maryland State Planning Commission when appointed to her present position in 1955.

LIONEL J. COEN has been appointed Librarian of the New York Law Institute, succeeding the late George P. Seebach. Mr. Coen, a graduate of New York University School of Law and Columbia University School of Library Science, had served as Assistant Librarian of the New York Law Institute for the past nine years.

GILSON GARDNER GLASIER, charter member of A.A.L.L., will retire as Librarian of the Wisconsin State Library on December 31. Mr. Glasier has been with the Wisconsin State Library since January, 1906, and recently received the commendation and compliments of the Trustees of the Library for his long and faithful service to the state.

MARVIN HOGAN, formerly librarian of the Tax Court of the United States, is now Assistant Librarian, United States Department of Justice.

EDMUND C. JANN and FRED KARPF, Research Assistants, Foreign Law Section, Library of Congress, recently received outstanding performance ratings at that institution.

WILLIAM JEFFREY, JR., formerly Assistant Librarian of Yale Law School is to succeed Robert A. Mace as Librarian of the University of Cincinnati College of Law Library. Mr. Mace has resigned to enter the practice of law.

MRS. LIBBY F. JESSUP, formerly Legal Reference Librarian at New York University, is now librarian of the law firm of Cadwalader, Wickersham & Taft in New York City. As present chairlady of the Committee on Memorials, Mrs. Jessup has requested the membership to notify committee members of any deaths of association members which come to their attention. Based on the seven geographical areas of the country, used by the National Reporter System, Mrs. Jessup announces the regions for which her committee members will be primarily responsible as follows: Eda A. Zwinggi, Pacific; A. Mercer Daniel, North Western; Dennis A. Dooley, North Eastern; Laurie A. Riggs, South Western; Helen Newman, Atlantic; Michalina Keeler, Southern; and Libby F. Jessup, South Eastern. Mrs. Jessup is also serving as editor of Oceana Publications *Legal Almanac Series.*

JAROSLAV JIRA of the Law Library of Congress Mid-European Law Project received a M.S. in Library Science from Catholic University in June. His thesis concerned the development of communal public libraries in the Czechoslovak Republic from 1918 to 1945. Dr. Jira received his doctorate from Charles University at Prague in 1933 and the degree of Master of Comparative Law from George Washington University in 1953.

MAURICE LEON, Associate Law Librarian of the University of Wisconsin since July, 1956, will teach legal bibliography this fall. Mr. Leon worked in the law library from 1941-1948 with an interruption of three years for military service. After receiving his law degree in 1948, Mr. Leon held the positions of Foreign Documents Librarian and Social Studies Librarian at the University of Wisconsin.

LILLIAN MCLAURIN is the new librarian of the Tax Court of the United States, Washington, D. C.

MISS MURIEL L. MERRELL, Librarian, U. S. Attorney's Library, Los Angeles, recently acted as judge of entries in the Floriculture and Horticulture Division at two of California's fairs.

WILLIAM J. POWERS, JR., Reference Librarian of the Chicago Bar Association, was reported to have replaced William G. Powers of the same institution (49 *Law Library Journal* 296). This error was caused by the compiler's misinterpretation of an attempt by Mr. William J. Powers, Jr., to correct his name as it then appeared on the association mailing list. It would appear that any Mr. William G. Powers is quite as fictitious a person as the Mr. Smith of recent political convention fame.

MILES O. PRICE, Law Librarian at Columbia University, was the recipient of two distinguished honors this year. Earlier in the year, he was appointed to the Faculty of Law at Columbia University. On the Sunday evening preceding the commencement of the Golden Jubilee Meeting in Philadelphia, Mr. Price was honored at a testimonial dinner arranged for him by his many friends. Attending with him were his wife, Fannie, and their daughter, Mary. A Miles O. Price Scholarship Fund was established and a gift was also given to Mr. Price.

FRED E. ROSBROOK retired on May 19, 1956 as Librarian of the Appellate Division Law Library, Rochester, New York, a position he had held since 1919. A graduate of Cornell Law School, Mr. Rosbrook served as statute law indexer at the New York State Library from 1915-1919, and was editor of the 13th edition of Collier on Bankruptcy and *American Bankruptcy Reports, new series.*

MORTIMER D. SCHWARTZ has been elected President of the Cleveland County Bar Association and Chairman of the Norman Public Library Board. Earlier in the year he was elected President of Central Oklahoma Libraries, an organization of librarians located within a sixty mile radius of Oklahoma City.

ERWIN C. SURRENCY, Librarian of

Temple University School of Law, will serve as editor of the *American Journal of Legal History,* the first number of which is scheduled to appear in January, 1957. Mr. Surrency, as chairman of a committee of the Association of American Law Schools, is completing the organization and incorporation of the American Society for Legal History.

MRS. JOAN ZWEIFEL is the new librarian of Albany Law School, Albany, New York. Mrs. Zweifel is a graduate of Pembrooke College in Brown University (A.B., 1948) and Albany Law School (LL.B., 1956). She served as student editor of the Albany Law Review and succeeds Mrs. Mary Cox Farrington who has resigned.

## CHAPTER NEWS

The ASSOCIATION OF LAW LIBRARIES OF NEW YORK STATE held its second annual meeting at Myron Taylor Hall, Cornell Law School, on September 7-8.

The SOUTHERN CALIFORNIA ASSOCIATION OF LAW LIBRARIES joined with local members of Special Libraries Association in a reception for Miss Shirley Booth following her performance in *The Desk Set* at Carthay Circle Theater in Hollywood.

The 1956 annual meeting of the LAW LIBRARIANS OF NEW ENGLAND was held on May 26 in Springfield, Massachusetts. The following officers were elected for 1956-57:

Pres.; Miss Edith L. Hary, Law Librarian, Maine State Library;
V. Pres.: I. Albert Matkov, Massachusetts State Library;
Sec.-Treas.: Christy I. Hetherington, Fairfield County Law Library;
Directors: Miss Margaret M. Moody, Harvard Law Library and Mrs. Grace L. M. Gainley, Hampden County Law Library.

## AMONG OUR AUTHORS

JULIUS J. MARKE reviews developments in the field of legal bibliography in the *Annual Survey of American Law,* 1955, pp. 689-701.

WILLIAM JEFFREY, JR. surveys the development of American legal history in the *Annual Survey of American Law* for 1955, pp. 702-709.

## NEW MEMBERS

The following have joined the Association recently as individual members:

EUGENE H. BECK, Box 269, McLean, Va.

HELEN MARIE BURNS, Federal Reserve Bank of N. Y. Legal Dept. Library, 33 Liberty St., New York 45, N. Y.

OTTO HOFFENBECKER, Philadelphia Bar Association, Law Library, 600 City Hall, Philadelphia 7, Pa.

CHARLES NOLAN, Mudge, Stern, Baldwin & Todd, 40 Wall St., New York, N. Y.

GEORGE W. VANCE, Philadelphia Bar Association, Law Library, 600 City Hall, Philadelphia 7, Pa.

HARLEY A. STEPHENSON, 267 N. Paddock, Pontiac 16, Michigan, (Associate No. 2 membership).

The following have been elected to life membership:

A. Mercer Daniel
Lucile M. Elliott
Lois G. Moore
Ethel M. Turner

The following have recently joined as institutional members:

Cadwalader, Wickersham & Taft, 14 Wall Street, New York, N. Y., with Mrs. Libby F. Jessup, George K. Nakulak and Mary C. Langton designated.

Park County Law Library, Court House, Cody, Wyoming, with Margie R. Millhone designated.

The following additions and changes have been made in institutional designations:

Ruth Cordy, Univ. of Illinois Law Library.

Robert Cryder, Univ. of Illinois Law Library.

Maurice Leon, University of Wisconsin Law Library.

E. Elizabeth Ratan, Stanford University Law Library.

Cynthia Stacker, Howard University School of Law.

Mrs. Marie Wallace, University of California at Los Angeles.

Hubert L. Will, Chicago Bar Association Law Library.

# Twenty Year Supplement to Macdonald's Checklist of Session Laws

# Twenty Year Supplement to Macdonald's Checklist of Session Laws

This supplement lists the session laws which have been issued by the various states since the publication of Grace E. Macdonald's *Checklist of Session Laws* in 1936. It covers the years 1934-1954, and does not attempt to include additions or corrections to the entries in the original volume.

The bibliographical detail is the same as used in the Macdonald checklist.

The preliminary work was done by Mr. Lewis W. Morse, Librarian, Cornell Law School, who realizing that its value lay in having the list complete and available, turned it over to the 1954-1955 A.A.L.L. Committee on Cooperation with State Libraries, Virginia Knox, Chairman. The committee is also indebted to the many state and law librarians who willingly assisted by checking the lists for corrections and for additions through the 1954 sessions.

## ALABAMA

1935 Jan Reg Sess Gen xlvi+1336p

1935 Jan Reg Sess Loc 306p

1936 Feb Ext Sess Gen ix+1+239p
1936 Feb Ext Sess Loc 98+1+9+38+17p
In 1 vol

1936-37 Nov Spec Sess Gen xxiii+282p
1936-37 Nov Spec Sess Loc 74+1+9+72+14p
In 1 vol

1939 Jan Reg Sess Gen xlviii+1261p
1939 Mar Spec Sess Gen 1+vi+28p
In 1 vol

1939 Jan Reg Sess Loc 418p

Prior to 1943 the Alabama Legislature met in regular session once every four years. This was changed and the Legislature now meets in regular session bi-annually

1942 Nov Ext Sess Gen 18p (at end of vol)
1943 Jan Reg Sess xxxii+736p
In 1 vol

1943 May Reg Sess Loc 269p

1945 May Reg Sess Gen xxiii+914p

1945 May Reg Sess Loc 222p

Starting in 1947, once every four years upon the election of a new legislature an organizational session is held prior to the regular session. Under this change the first organizational session was held in January 1947 and will be held every four years upon the election of a new legislature. The proceedings of this organizational session is contained in the Acts of 1947.

**ALABAMA—Continued**

1947 Jan Org Sess Gen xvii+5p
1947 Mar 1st Ext Sess Gen 9p
1947 May 2d Ext Sess Gen 21p
1947 May Reg Sess Gen xviii+611p
In 1 vol

1947 May Reg Sess Loc 474p

1949 May Reg Sess Gen&Loc 1174p

1950 1st-5th Spec Sess
1951 Org Sess
1951 Jan Spec Sess
1951 May Reg Sess Gen&Loc
vol 1 1-896p
vol 2 897-1805p

1953 May Reg Sess Gen&Loc
vol 1 1-686p
vol 2 687-1353p

**ARIZONA**

1935 Jan 12th Reg Sess lvii+1+674p

1936 Nov 1st Spec Sess xxix+1+149p

1937 Jan 13th Reg Sess
1937 May 1st Spec Sess
1937 June 2d Spec Sess
1937 July 3d Spec Sess
In 1 vol 32+xxiv+676p

1938 Sept 4th Spec Sess
1939 Jan 14th Reg Sess
In 1 vol 8+xxxii+546p

1940 Sept 1st Spec Sess
1941 Jan 15th Reg Sess
In 1 vol 8+xxviii+524p

1942 Apr 1st Spec Sess
1943 Jan 16th Reg Sess
In 1 vol 8+xxiv+544p

1944 Feb 1st Spec Sess
1944 Feb 2d Spec Sess
1945 Jan 17th Reg Sess
In 1 vol 8+xxvi+1+567p

1945 Sept 1st Spec Sess
1946 Apr 2d Spec Sess
1946 Sept 3d Spec Sess
1947 Jan 18th Reg Sess
In 1 vol 8+xxxii+696p

1947 June 1st Spec Sess
1947 June 2d Spec Sess
1947 Jan 3d Spec Sess
1948 Jan 4th Spec Sess
1948 Feb 5th Spec Sess
1948 Mar 6th Spec Sess
1948 Sept 7th Spec Sess
1949 Jan 19th Reg Sess
In 1 vol 24+xxii+763p

1950 Feb 1st Spec Sess
1950 Apr 2d Spec Sess
1951 Jan 20th Reg Sess
In 1 vol 20+xxvii+809p

**ARIZONA—Continued**

{ 1951 June 1st Spec Sess
{ 1952 Jan 20th 2d Reg Sess
In 1 vol xxix+507p

{ 1952 July 2d Spec Sess
{ 1953 Jan 21st Reg Sess
In 1 vol 20+xliii+484p

{ 1953 Oct 1st Spec Sess
{ 1954 Jan 21st 2d Reg Sess
In 1 vol 20+xliii+480+1+xiv+266+1+220p

**ARKANSAS**

{ 1934 Apr 49th 3d Ext Sess
{ 1935 Jan 50th Reg Sess
In 1 vol xxxi+1068p

1937 Jan 51st Reg Sess xxvii+1445p

{ 1938 Mar 51st Ext Sess
{ 1939 Jan 52d Reg Sess
In 1 vol liv+1211p

{ 1939 July 52d Ext Sess (Incorr labelled 1940)
{ 1941 Jan 53d Reg Sess
In 1 vol xlix+1+1389p

1943 Jan 54th Reg Sess xliii+1030p

1945 Jan 55th Reg Sess xxvii(*sic* xvii)+790p

1947 Jan 56th Reg Sess xliii+1099p

1949 Jan 57th Reg Sess 3+1455p

{ 1951 Jan 58th Reg Sess
{ 1951 Apr 58th Ext Sess
In 1 vol vi+3+1063p

1953 Jan 59th Reg Sess xlii+1554p

**CALIFORNIA**

{ 1934 Sept 50th Ext Sess
{ 1935 Jan 51st Reg Sess
In 1 vol cxix+2964p

{ 1936 May 51st Ext Sess
{ 1937 Jan 52d Reg Sess
In 1 vol clx+3446p

1938 Mar 52d Ext Sess cxlix+201p

1939 Jan 53d Reg Sess clviii+1+3817p

{ 1940 Jan-Dec 53d 1st-5th Ext Sess
{ 1941 Jan 54th Reg Sess
In 1 vol clxvii+4150p

{ 1941-42 Dec 1941&Jan 1942 54th 1st-2d Ext Sess
{ 1943 Jan 55th Reg Sess
{ 1943 Jan-Mar 55th 1st&2d Ext Sess
In 1 vol clxiv+3982p

{ 1944 Jan-June 55th 3d-4th Ext Sess
{ 1945 Jan 56th Reg Sess
In 1 vol clxxii+3434p

**CALIFORNIA—Continued**

1946 Jan-July 56th 1st-2d Ext Sess
1947 Jan 57th Reg Sess
1947 Jan 57th 1st Ext Sess
In 1 vol clxxv+4205p

1948 Mar Reg Sess clii+386p

1949 Jan Reg Sess clxxxiii+3754p

1949 Dec 1st Ext Sess
1950 Mar Reg Sess&1st-2d Ext Sess
cxlii+1+743p

1950 Sept 3d Ext Sess
1951 Jan Reg Sess
In 2 vols

1952 Mar Reg Sess
1952 Mar 1st Ext Sess
1952 Aug 2d Ext Sess
1953 Jan Reg Sess
In 2 vols

**COLORADO**

1933-34 Dec 29th 2d Ext Sess 143p

1935 Jan 30th Sess 1257p

1935 Oct 30th Ext Sess 46+1p

1936 Mar 30th 2d Ext Sess 115p

1936 Nov 30th 3d Ext Sess 71p

1937 Jan 31st Sess 1539p

1939 Jan 32d Sess 712p

1941 Jan 33d Sess 1072p

1943 Jan 34th Sess 768p

1944 Jan 34th 1st Ext Sess 47p

1944 Feb 34th 2d Ext Sess 16+1p

1945 Jan 35th Sess 825p

1945 Nov 35th 1st Ext Sess 87p

1947 Jan 36th Sess 1062p

1948 Oct 36th 1st Ext Sess 32+1p

1949 Jan 37th Sess 861p

1950 Aug 37th Ext Sess 48+1p

1951 Jan 38th Sess 909p

1951 May 38th 1st Ext Sess 21+1p

1953 Jan 39th Sess 795p

1953 June 39th 1st Ext Sess 37+1p

1954 Jan 39th 2d Reg Sess 209p

1954 Mar 39th 2d Ext Sess 40p

## CONNECTICUT
### Public Acts

NOTE: No Public Acts were issued for 1931-1945, except for the Special Sessions of January 1944 and June 1944. They appeared only as supplements to the General Statutes.

1944 Jan Spec Sess 61+1p

1944 June Spec Sess 10+1p

1946 May Spec Sess 88+1p

1947 Jan Bien Sess 699+1p

1948 Feb Spec Sess 32p

1948 Aug Spec Sess 29+4p

1949 Jan Bien Sess 434+1p

1949 June Spec Sess
1949 Oct Spec Sess
1949 Nov Spec Sess
In 1 vol n.p.

1949 June Spec Sess
1949 Oct Spec Sess
1949 Nov Spec Sess
1950 Mar Spec Sess
1950 Sept Spec Sess
In 1 vol 123p
Pub. as Pub and Spec Acts of the Five Special Sessions of the 1949 Gen Assy

1951 Jan Bien Sess 548+1p

1953 Jan Bien Sess 784+1p

## CONNECTICUT
### Special Acts

1935 Jan Bien Sess 4+509+xxxviip

1936 Nov Spec Sess
1937 Jan Bien Sess
In 1 vol 1+510-1065+xlp

1939 Jan Bien Sess 2+701+xxxixp

1941 Jan Bien Sess 1+702-1325+lxixp

1942 Oct Spec Sess
1943 Jan Spec Sess
In 1 vol 2+466+xlviiip

1944 Jan Spec Sess
Bd with 1945 Jan Bien Sess

1944 June Spec Sess
No Spec Acts passed

1945 Jan Bien Sess 469-933+xlp
Incl 1944 Jan Spec Sess

1946 May Spec Sess
1947 Jan Bien Sess
In 1 vol 2+814+xlixp

1948 Feb Spec Sess
1948 Aug Spec Sess
1949 Jan Bien Sess
1949 June Spec Sess
1949 Oct Spec Sess (No Spec Acts passed)
In 1 vol 2+815-1440+lvip

## CONNECTICUT—Continued

1948 Aug Spec Sess

Pub with Pub Acts 29+4p

{ 1949 June Spec Sess
1949 Oct Spec Sess (No Spec Acts passed)
1949 Nov Spec Sess
1950 Mar Spec Sess
1950 Sept Spec Sess

In 1 vol 123p
Pub as Pub and Spec Acts of the Five Special Sessions of the 1949 Gen Assy

{ 1949 Nov Spec Sess
1950 Mar Spec Sess
1950 Sept Spec Sess
1951 Jan Bien Sess
1951 June Spec Sess

In 1 vol 2+688+lxiip

1953 Jan Bien Sess 2+689-1363+lxivp

## DELAWARE

1935 Jan 105th Sess 1067+clxiiip v.40

1937 Jan 106th Sess 965+xcvip v.41

1939 Jan 107th Sess 567+cip v.42

1941 Jan 108th Sess 1335+cxxxvp v.43

1943 Jan 109th Sess 755+xcvip v.44

{ 1944 Mar 109th Spec Sess
1945 Jan 110th Sess

In 1 vol 1350+xcixp v.45

Excerpt from the Archives Report of 1944-5, which explains why there were no 111th, 112th, and 113th Sessions of the Delaware Legislature.

Pages 13 and 14:

"Early in the session Mr. W. Emerson Wilson, City Editor of the *Wilmington Morning News*, inquired why the numbered sessions of the Delaware General Assembly were greater than those of the United States Congress. We found that regular sessions of the General Assembly were held from October of 1776 to October of 1791, inclusive, which accounted for sixteen sessions. No regular session was held in 1792 because of the adoption of the new State constitution in that year. In January of 1793 regular sessions of the General Assembly began and continued annually until and including 1833. This accounted for forty-one additional sessions, or a total of fifty-seven. In January of 1835 the sessions began on a biennial basis, in accordance with the constitution of 1831, and have thus continued to the present time. Since the first biennial meeting in January of 1835 there have been fifty-six regular biennial sessions, or a total of one hundred and thirteen regular legislative sessions held following the adoption of the first constitution of our State in 1776. We communicated this information to Governor Bacon, pointing out that the next session of the General Assembly in 1947 should correctly be the 114th instead of the 111th session. On the basis of our research Senate Concurrent Resolution no. 17 was introduced and the 1947 Session shall be known as the 114th Session of the Delaware General Assembly."

See also Volume 45, Delaware Session Laws, chapter 324, page 1172, Senate Concurrent Resolution.

1947 Jan 114th Sess 1121+lip v.46

1949 Jan 115th Sess 1121+lxviip v.47

1951 Jan 116th Sess 1336+lviiip v.48

1953 Jan 117th Sess 1145+lvixp v.49

## FLORIDA

1935 Apr 25th Sess Gen 1645p v.1
1935 Apr 25th Sess Spec 539p v.2
1937 Apr 26th Sess Gen 1473p v.1
1937 Apr 26th Sess Spec 1980p v.2
1939 Apr 27th Sess Gen 1743p v.1
1939 Apr 27th Sess Spec 1845p v.2
1941 Apr 28th Sess Gen 2930p v.1
1941 Apr 28th Sess Spec 1895p v.2
1943 Apr 29th Sess Gen 1234p v.1
1943 Apr 29th Sess Spec 1178p v.2
1945 Apr&June 30th Sess Gen Reg&Ext 1509p v.1
1945 Apr&June 30th Sess Spec Reg&Ext 1406p v.2
1947 Apr 31st Sess Gen 1695p v.1
1947 Apr 31st Sess Spec 1664+index 20p v.2, pt.1
1947 Apr 31st Sess Spec 8+1665-3246p v.2, pt.2
1948 Sept Ext Sess
1949 Apr 32d Sess Gen
In 1 vol 1472p v.1
1949 Apr 32d Sess Spec 1463p v.2, pt.1
1949 Apr 32d Sess Spec 1439-2671p v.2, pt.2
1949 Sept Ext Sess Gen&Spec 428p
1951 Apr 33d Sess Gen 2001p v.1
1951 Apr 33d Sess Spec 1502+1+index 23p v.2, pt.1
1951 Apr 33d Sess Spec 1503-3137p v.2, pt.2
1953 Apr 34th Sess Gen 1063p v.1, pt.1
1953 Apr 34th Sess Gen 786p v.1, pt.2
1953 Apr 34th Sess Spec 1728+index 23p v.2, pt.1
1953 Apr 34th Sess Spec 1729-3321p v.2, pt.2

## GEORGIA

1935 Jan Bien Sess 1369p
1937 Jan Bien Sess 2276p
1937-38 Ext Sess 1472p
1939 Jan Bien Sess 1508p
1941 Jan Bien Sess 1932p
1943 Jan Bien Sess 1797p

**GEORGIA—Continued**

1943 Oct Ext Sess 7p
1944 Jan Ext Sess 8p
In 1 vol

1945 Jan Bien Sess 1308p

1946 Adjourned Sess 830p

1947 Jan Bien Sess viii+1864p

1948 Oct Ext Sess
1948 Nov Ext Sess
1949 Jan Bien Sess
In 1 vol 2205p

1949 July Ext Sess 23p
1950 Jan Sess Gen 514p
1950 Jan Sess Loc 2000-2975p
In 1 vol

1951 Jan Bien Sess Gen 884p
1951 Jan Bien Sess Loc 2000-3483p
In 1 vol

1952 Jan Sess Gen 625p
1952 Jan Sess Loc 2000-2951p
In 1 vol

1953 Jan-Feb Gen 647p
1953 Jan-Feb Loc 2000-3397p
In 1 vol

1953 Nov-Dec Gen 624p
1953 Nov-Dec Loc 2003-3303p
In 1 vol

**IDAHO**

1935 Jan 23d Sess 456p
1935 Mar 1st Ext Sess 218p
In 1 vol

1935 July 2d Ext Sess 38p
1936 July 3d Ext Sess 78p
1937 Jan 24th Sess 583p
In 1 vol

1938 Nov 1st Ext Sess 11+2p
1938 Nov—Fish and Game Initiative 16p
1939 Jan 25th Sess 778p
In 1 vol

1941 Jan 26th Sess 603p

1942 Nov—Senior Citizens' Grant Initiative 11p
1943 Jan 27th Sess 490p
In 1 vol

1944 Feb 1st Ext Sess 32p
1944 Mar 2d Ext Sess 21p
1945 Jan 28th Sess 494p
In 1 vol

1946 Feb 1st Ext Sess 110p
1946 Mar 2d Ext Sess 15p
1947 Jan 29th Sess 1113p
In 1 vol

1949 Jan 30th Sess 790p

1950 Feb 1st Ext Sess 199p
1951 Jan 31st Sess 839p
In 1 vol

**IDAHO—Continued**

1952 Jan 1st Ext Sess 16p
1953 Jan 32d Sess 707p
In 1 vol

**ILLINOIS**

1935 Jan 59th Ass'y Bien Sess xxxii+1499p

1935 Oct 59th Ass'y 1st Spec Sess 193p
1936 Jan 59th Ass'y 2d Spec Sess 104p
1936 Feb 59th Ass'y 3d Spec Sess 83p
1936 May 59th Ass'y 4th Spec Sess 78+1p
In 1 vol

1937 Jan 60th Ass'y Bien Sess xxiii+1274p

1938 May 60th Ass'y 1st Spec Sess iv+83p
1938 June 60th Ass'y 2d Spec Sess 3+15p
In 1 vol

1939 Jan 61st Ass'y Bien Sess xxiv+1264p

1940 Apr 61st Ass'y 1st Spec Sess viii+60p
Senate Journal 4+133p
House Journal 4+152p
In 1 vol

1941 Jan 62d Ass'y Bien Sess Vol I
xxxi+1376p
1941 Jan 62d Ass'y Bien Sess Vol II
viii+497p
In 2 vols

1941 Dec 62d Ass'y 1st Spec Sess 7+15p
Senate Journal 4+68p
House Journal 4+91p
In 1 vol

1943 Jan 63d Ass'y Bien Sess Vol I
xxxii+1391p
1943 Jan 63d Ass'y Bien Sess Vol II
ix+418p
In 2 vols

1944 Jan 63d Ass'y Spec Sess 7+31p
Senate Journal 4+56p
House Journal 4+57p
In 1 vol

1945 Jan 64th Ass'y Bien Sess xxxvi+1836p

1946 May 64th Ass'y 1st Spec Sess 8+15p
Senate Journal 4+100p
House Journal 4+82p
1946 July 64th Ass'y 2d Spec Sess 2+9p
Senate Journal 2+39p
House Journal 2+42p
In 1 vol

1947 Jan 65th Ass'y Bien Sess xxxvi+1790p

1949 Jan 66th Ass'y Bien Sess xxxix+1674p

1951 Jan 67th Ass'y Bien Sess xlvii+2192p

1953 Jan 68th Ass'y Bien Sess xliii+1980p

## INDIANA

1935 Jan 79th Reg Sess 1765p

1936 Mar 79th Spec Sess 148p

1937 Jan 80th Reg Sess 1606p

1938 July 80th Spec Sess 37p

1939 Jan 81st Reg Sess 892p

1941 Jan 82d Reg Sess 1106p

1943 Jan 83d Reg Sess 1180p

1944 Apr 83d 1st Spec Sess
1944 Nov 83d 2d Spec Sess
1945 Jan 84th Reg Sess
In 2 vols
52+1-1068p
1069-1922p

1947 Jan 85th Reg Sess
In 2 vols
1-892+1p
2+893-1672p

1949 Jan 86th Reg Sess 1171p

1951 Jan 87th Reg Sess 1296p

1951 Sept 87th Spec Sess
1953 Jan 88th Reg Sess
In 1 vol 1198p

## IOWA

1935 Jan 46th Reg Sess xiv+322p

1936 Dec 46th Ext Sess (p.509-540 at end of volume)
1937 Jan 47th Reg Sess
In 1 vol xiv+580p

1939 Jan 48th Reg Sess xvi+487p

1941 Jan 49th Reg Sess xvii+380p

1943 Jan 50th Reg Sess xvi+473p

1944 Jan 50th Ext Sess 2+11p (at end of volume)
1945 Jan 51st Reg Sess xx+367p
In 1 vol

1947 Jan 52d Reg Sess xx+485p

1947 Dec 52d Ext Sess 2+5+1p (at end of volume)
1949 Jan 53d Reg Sess xxii+433p
In 1 vol

1951 Jan 54th Reg Sess xxiv+397p

1953 Jan 55th Reg Sess xxiv+421p

## KANSAS

1935 Jan 46th Reg Sess 514p

1936 Jul Spec Sess xviii+14p

1937 Jan 47th Reg Sess xvii+706p

**KANSAS—Continued**

1938 Feb Spec Sess xviii+133p
1939 Jan 48th Reg Sess xvii+738p
1941 Jan 49th Reg Sess xvi+816p
1943 Jan 50th Reg Sess xvi+680p
1945 Jan 51st Reg Sess xvi+748p
1947 Jan 52d Reg Sess xvi+946p
1949 Jan 53d Reg Sess xvi+917p
1951 Jan 54th Reg Sess xvi+934p
1953 Jan 55th Reg Sess xvi+989p

**KENTUCKY**

1935 Feb Ext Sess 22p
1936 Jan Reg Sess lxviii+674p
1936 Feb Ext Sess 5+66p
1936 Mar Spec Budget Sess 5+82p
1936 Mar Spec Rev Sess iv+1+182p
In 1 vol
1936-37 Dec-Jan Ext Sess xv+199p
1938 Jan Reg Sess
1938 Mar Ext Sess
1938 May Ext Sess
In 1 vol xxxix+1+1268p
1940 Jan Reg Sess xxxviii+1012p
1942 Jan Reg Sess
1942 Mar Ext Sess
In 1 vol xliii+1+1163+1p
1944 Jan Reg Sess
1944 May 1st Ext Sess
1944 June 2d Ext Sess
In 1 vol xliii+562p
1945 Apr Ext Sess 3+14p
1946 Jan Reg Sess ix+763p
1948 Jan Reg Sess viii+669p
1949 Mar Ext Sess 82p
1950 Jan Reg Sess viii+919p
1951 Mar Ext Sess 31p
1952 Jan Reg Sess viii+771p
1954 Jan Reg Sess ix+1+789p

**LOUISIANA**

1935 Feb Ext Sess 101p
1935 Apr 2d Ext Sess 107p
1935 July 3d Ext Sess 72p
1935 Sept 4th Ext Sess 88p
1936 May Reg Sess 985+45p

**LOUISIANA—Continued**

1938 May Reg Sess 1208+93p

{ 1940 May Reg Sess 1524p
{ 1940 Jan Ext Sess 64+73p
In 1 vol

{ 1942 May Reg Sess 1245p
{ 1942 Aug Ext Sess 73+58+5p
In 1 vol

1944 May Reg Sess 1058+21+5p

{ 1945 Oct Ext Sess 47p
{ 1946 May Reg Sess 1364p
In 1 vol 1364+47+5p

{ 1947 Mar Ext Sess 57p
{ 1948 May Reg Sess 1597p
{ 1948 Sept Ext Sess 80p
vol 1 1+2+1597+57+80p
vol 2 1+1+306p

{ 1950 May Reg Sess xi+1057p
{ 1950 Mar Ext Sess 29p
{ 1950 Aug 2d Ext Sess 52p
{ 1950 Sept 3d Ext Sess 3p
In 1 vol xi+1057+29+52+3+86+98p

{ 1951 June Ext Sess 54p
{ 1952 May Reg Sess 1436p
In 1 vol xii+1436+54+43+119p

{ 1953 July Ext Sess 20p
{ 1954 May Reg Sess 1380p
In 1 vol xii+1380+20+172+132p

**MAINE**

{ 1933 Nov 86th Legis Spec Sess
{ 1933 Dec 86th Legis Spec Sess
{ 1934 Nov 86th Legis Spec Sess
{ 1935 Jan 87th Legis Reg Sess
In 1 vol xxi+1+925+79p

{ 1936 Dec 87th Legis Spec Sess
{ 1937 Jan 88th Legis Reg Sess
In 1 vol xxx+1+926+84p

{ 1937 Oct 88th Legis Spec Sess
{ 1939 Jan 89th Legis Reg Sess
In 1 vol xxxiv+1+1027+88p

{ 1940 May 89th Legis Spec Sess
{ 1940 June 89th Legis Spec Sess
{ 1940 July 89th Legis Spec Sess
{ 1940 Oct 89th Legis Spec Sess
{ 1941 Jan 90th Legis Reg Sess
In 1 vol xxxvii+1048+92p

{ 1942 Jan 90th Legis Spec Sess
{ 1943 Jan 91st Legis Reg Sess
In 1 vol xl+2+1052+98p

{ 1944 Apr 91st Legis Spec Sess
{ 1944 Sept 91st Legis Spec Sess
{ 1945 Jan 92d Legis Reg Sess
In 1 vol xviii+1150+92p

{ 1946 July 92d Legis Spec Sess
{ 1947 Jan 93d Legis Reg Sess
In 1 vol xx+1413+90+67p

**MAINE—Continued**

1949 Jan 94th Legis Reg Sess xix+1569+95+64p

{ 1950 Feb 94th Legis Spec Sess
{ 1951 Jan 95th Legis Reg Sess
In 1 vol xx+1436+101+69p

1953 Jan 96th Legis Reg Sess xxii+1252p

**MARYLAND**

1935 Jan Sess 1459p

1936 Mar Ext Sess 424p

1936 Dec Ext Sess 42p

{ 1937 Jan Sess 1498p
{ 1937 Apr Ext Sess 84p
In 1 vol

1939 Jan Sess 1872+1p

1941 Jan Sess 2228+1p

1943 Jan Sess 2199p

1944 Mar Ext Sess 75p

1945 Jan Sess 2187p

{ 1945 Nov Ext Sess 18p
{ Senate Journal 29+4p
{ House Journal 67p
In 1 vol

{ 1946 Dec Ext Sess 17p
{ Senate Journal 27p
{ House Journal 33+4p
In 1 vol

1947 Jan Sess 2492p

1947 Nov Ext Sess 200p

1948 May Ext Sess 184p

1949 Jan Sess 2148p

{ 1949 Dec Ext Sess 26p
{ Senate Journal 35p
{ House Journal 43p
In 1 vol

1950 Feb Sess 548p

{ 1950 July Ext Sess 32+4p
{ Senate Journal 28+4p
{ House Journal 39+2+111-113p
In 1 vol

{ 1950 Nov Ext Sess 8+4p
{ Senate Journal 19+4p
{ House Journal 30p
In 1 vol

1951 Jan Sess 2266p

1952 Feb Sess 406p

1953 Jan Sess 2049p

1954 Feb Sess 400p

## MASSACHUSETTS

1935 Jan 1+944p

1936 Jan 1+822p

1937 Jan 1+867p

{ 1938 Jan
{ 1938 Oct Ext Sess

In 1 vol 1+982p

1939 Jan 1+1096p

{ 1941 Jan
{ 1942 Jan Spec Sess

In 1 vol 1+1580p

1943 Jan 1+1142p

{ 1944 Apr Spec Sess
{ 1945 Jan

In 1 vol 13+1271p

1946 Jan 1+1102p

1947 Jan 1+1159p

1948 Jan 1+1190p

1949 Jan 1+1130p

1950 Jan 1+1066p

1951 Jan 1+1239p

{ 1952 Jan
{ 1952 Sept Ext Sess

In 1 vol 1+915p

1953 Jan 1+1082p

## MICHIGAN

1935 Jan Reg Sess Pub&Loc 580p

1936 Dec Ext Sess Pub 21+1p

{ 1937 Jan Reg Sess Pub&Loc
{ 1937 July Ext Sess Pub

In 1 vol xii+1045p

1938 Aug Ext Sess Pub 30p

1939 Jan Reg Sess Pub&Loc xi+1048p

1941 Jan Reg Sess Pub&Loc xii+883p

{ 1942 Jan 1st Ext Sess Pub
{ 1942 Feb 2d Ext Sess Pub

In 1 vol 87p

1943 Jan Reg Sess Pub&Loc x+552p

{ 1944 Jan 1st Ext Sess Pub
{ 1944 June 2d Ext Sess Pub

In 1 vol 164+1p

1944 Nov 3d Ext Sess Pub 6+1p

1945 Jan Reg Sess Pub&Loc xii+735p

1946 Feb Ext Sess Pub 86p

1946 July 2d Ext Sess Pub 26p

1947 Jan Reg Sess Pub&Loc xiii+826p

**MICHIGAN—Continued**

{1947 Sept 1st Ext Sess Pub
1947 Nov 2d Ext Sess Pub
In 1 vol 38p

1948 March Ext Sess Pub vi+143p

1948 Dec 2d Ext Sess Pub 16+5p

1949 Jan Reg Sess Pub&Loc xiv+774p

1950 Mar Ext Sess Pub 5+151+1p

{1951 Jan Reg Sess Pub&Loc
1951 Aug 1st Ext Sess
In 1 vol xii+701p

1951 Oct 2d Ext Sess 5+1p

1952 Jan Reg Sess Pub&Loc xv+555p

1952 Dec Ext Sess 5+1p

1953 Jan Reg Sess Pub&Loc xi+523p

1954 Jan Reg Sess Pub&Loc xi+703p

1954 Aug Ext Sess 14p

**MINNESOTA**

1935 Jan 49th Sess 1266p

1935 Dec Ext Sess 231p

{1936 Dec Ext Sess
1937 Jan 50th Sess
In 1 vol 1402p

1937 May Ext Sess 238p

1939 Jan 51st Sess 1671p

1941 Jan 52d Sess 1799p

1943 Jan 53d Sess 1838p

{1944 Mar Ext Sess
1945 Jan 54th Sess
In 1 vol 1837p

1947 Jan 55th Sess 1449p

1949 Jan 56th Sess 1664p

{1951 Jan 57th Sess
1951 Apr Ext Sess
In 1 vol 1590p

1953 Jan 58th Sess 1329p

**MISSISSIPPI**

1935 Oct Ext Sess Gen 261+xxip

1936 Jan Reg Sess Gen 628+lxviip

1936 Jan Reg Sess Loc&Priv 629-745+xp

{1936 Sept 1st Ext Sess Gen Loc&Priv
1936 Nov 2d Ext Sess Gen Loc&Priv
1938 Jan Reg Sess Gen
In 1 vol 773+64+71+lxip

1938 Jan Reg Sess Loc&Priv 775-922+xiip

**MISSISSIPPI—Continued**

1938 July Ext Sess Gen 252+xxp

{1940 Jan Reg Sess Gen 604+lxviiip
1940 Jan Reg Sess Loc&Priv 605-860+xvp
In 1 vol}

1942 Jan Reg Sess Gen 441+lxxvip

1942 Jan Reg Sess Loc&Priv 164+xxp

1944 Jan Reg Sess Gen 610+xcixp

{1944 Nov Ext Sess Gen Loc&Priv
1946 Jan Reg Sess
In 1 vol 796+cxxviip}

1944 Jan Reg Sess Loc&Priv 109+xiip

1946 Jan Reg Sess Loc&Priv 133+xip

{1947 Mar 1st Ext Sess Gen
1947 Nov 2d Ext Sess Gen
1948 Jan Reg Sess Gen
In 1 vol 1056p}

{1947 Mar 1st Ext Sess Loc&Priv
1948 Jan Reg Sess Loc&Priv
In 1 vol 268p}

{1949 Nov Ext Sess Gen Loc&Priv
1950 Jan Reg Sess Gen
In 1 vol 1198p}

1950 Jan Reg Sess Loc&Priv 267p

1952 Jan Reg Sess Gen 840p

1952 Jan Reg Sess Loc&Priv 183p

1953 Nov Ext Sess Gen Loc&Priv 228p

1954 Jan Reg Sess Gen 701p

**MISSOURI**

1935 Jan 58th Gen Ass'y Reg Sess 456p

1937 Jan 59th Gen Ass'y Reg Sess 644p

1939 Jan 60th Gen Ass'y Reg Sess 960p

1940 July 60th Gen Ass'y 1st Ext Sess 9p

1941 Jan 61st Gen Ass'y Reg Sess 751p

1942 Nov 61st Gen Ass'y 1st Ext Sess 23p

1943 Jan 62d Gen Ass'y Reg Sess 1117p

1944 Mar 62d Gen Ass'y Ext Sess 52p

1945 Jan 63d Gen Ass'y Reg Sess 2151p

1947 Jan 64th Gen Ass'y Reg Sess
vol 1 616p
vol 2 504p

1949 Jan 65th Gen Ass'y Reg Sess 713p

1951 Jan 66th Gen Ass'y Reg Sess 976p

{1953 Jan 67th Gen Ass'y Reg Sess 838p
1953 Oct 67th Gen Ass'y 1st Ext Sess 9p
1954 Feb 67th Gen Ass'y 2d Ext Sess 21p
In 1 vol}

**MONTANA**

1935 Jan 24th Sess xxxvi+1+598p
1937 Jan 25th Sess xxxv+1+800p
1939 Jan 26th Sess xlii+2+819p
1941 Jan 27th Sess xxxiv+2+539p
1943 Jan 28th Sess xliv+2+699p
1945 Jan 29th Sess xliii+2+716p
1947 Jan 30th Sess lii+2+914p
1949 Jan 31st Sess xlv+2+737p
1951 Jan 32d Sess liii+2+839p
1953 Jan 33d Sess li+2+856p

**NEBRASKA**

1935 Jan 50th Reg Sess 731p
1935 Oct 51st Ext Sess 208p
1937 Jan 52d Reg Sess 887p
1939 Jan 53d Reg Sess 615p
1940 Jan 54th Ext Sess 75p
1941 Jan 55th Reg Sess 800p
1943 Jan 56th Reg Sess 832p
1944 Mar 57th Ext Sess 116p
1945 Jan 58th Reg Sess 842p
1946 Aug 59th Ext Sess 69p
1947 Jan 60th Reg Sess 1145p
1949 Jan 61st Reg Sess 1074p
1951 Jan 62d Reg Sess 1191p
1952 Apr 63d Ext Sess 59p
1952 Aug 64th Ext Sess 71p
1953 Jan 65th Reg Sess 1189p
1954 Apr 66th Ext Sess 71p

**NEVADA**

1935 Jan 37th Sess xxiv+606p
1937 Jan 38th Sess xxix+1+725p
1939 Jan 39th Sess xxiv+542p
1941 Jan 40th Sess xxiv+742p
1943 Jan 41st Sess xxvi+1+500p
1945 Jan 42d Sess xxxi+692p
1947 Jan 43d Sess xxxii+1043+1p
1949 Jan 44th Sess xxxviii+2+859p
1951 Jan 45th Sess xl+742+1p
1953 Jan 46th Sess xliii+973p

## NEW HAMPSHIRE

{1934 May Spec Sess
1935 Jan Sess
In 1 vol x+580p

1937 Jan Sess x+671p

1939 Jan Sess x+502p

1941 Jan Sess x+584p

1943 Jan Sess xi+488p

1945 Jan Sess xi+593p

1947 Jan Sess xii+763p

1949 Jan Sess xv+784p

{1950 Apr Spec Sess
1951 Jan Sess
In 1 vol xvi+897p

1953 Jan Sess xvi+662p

## NEW JERSEY

1935 Jan 159th Legis 1+1315p

{1935 Jan 159th Legis "Addit Acts"
1936 Jan 160th Legis
In 1 vol 2+1319-1327+1+1038p

{1936 Jan 160th Legis "Addit Acts"
1937 Jan 161st Legis
In 1 vol 2+1041-1088+1+818p

{1937 Jan 161st Legis "Addit Acts"
1938 Jan 162d Legis
In 1 vol 2+823-841+1+1182p

{1938 Jan 162d Legis "Addit Acts"
1939 Jan 163d Legis
In 1 vol 2+1187-1256+1+1236p

1940 Jan 164th Legis 1+825p

{1940 Jan 164th Legis "Addit Acts"
1941 Jan 165th Legis
In 1 vol 2+831-993+1+1462p

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